

MONDAY, APRIL 20, 1987

THIRTY-FIFTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Reverend Robert Samuel Stallings, III, Southern Baptist Missionary.

Representative Stallings led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

The Speaker announced that Representative Crain was excused because of business.

Mr. Byrd moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 287 out of order, which motion prevailed.

House Joint Resolution No. 287--Congratulating Cammy Jo Wood--By Byrd.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Byrd, the resolution was adopted.

A motion to reconsider was tabled.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bill No. 700 with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 263, 391, 661, 665, 773, 894, 939, 1010 and 1221; and House Joint Resolutions Nos. 2, 25, 26, 91, 92, 93, 192, 201, 202, 203, 204, 206, 207, 208, 227, 228 and 234 with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

On motion of Mr. West, House Bill No. 375 was recalled from the Senate for further consideration.

On motion of Mr. West, House Bill No. 375 was recalled from the Governor's Office.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 156, 206, 218, 219, 360, 750, 993, 1059, 1135, 1190 and 1248; and House Joint Resolutions Nos. 172, 184, 187, 188, 189, 190, 191, 193, 195, 196, 199 and 200 with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

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**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 86, 196, 234, 586, 603, 614, 636, 929, 1253, 1254, 1255, 1256, 1264, 1265 and 1269; and House Joint Resolutions Nos. 110, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 229, 230 and 231; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 86, 196, 234, 586, 603, 614, 636, 929, 1253, 1254, 1255, 1256, 1264, 1265 and 1269 and; House Joint Resolutions Nos. 110, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 229, 230 and 231.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bill No. 375 per your request.

DAVID H. WELLES,  
Counsel to the Governor.

**REPORT OF STANDING COMMITTEE**

**LABOR AND CONSUMER AFFAIRS**

**MR. SPEAKER:** Your Committee on Labor and Consumer Affairs begs leave to report that we have carefully considered and recommend for passage: House Joint Resolution No. 245.

ELLIS, Chairman.

Under the rules, House Joint Resolution No. 245 was transmitted to the Committee on Calendar and Rules.

**CALENDAR**

**FURTHER CONSIDERATION OF SENATE BILL NO. 417**

Senate Bill No. 417--To regulate institute for African Affairs.

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Mr. Love moved that Senate Bill No. 417 be passed on third and final consideration.

Mr. Love moved for adoption of Amendment No. 1 previously presented on Senate Bill No. 417.

Mr. King moved that the Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes .....	8
Noes .....	76
Present and not voting .....	1

Representatives voting aye were: Davidson, Drew, Kernell, King, McAfee, Robinson (Hamilton), Scruggs and Yelton--8.

Representatives voting no were: Bell, Bewley, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davis (Cocke), Davis (Gibson), Dixon, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, King, Lawson, Long, Love, May, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Mr. Speaker Murray--76.

Representative present and not voting was: Turner, L. (Shelby)--1.

Thereupon, Amendment No. 1 was adopted by the following vote:

Ayes .....	82
Noes .....	8
Present and not voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Napier, Odom,

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Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--82.

Representatives voting no were: Collier, Drew, Henry, Kernell, King, McAfee, Robinson (Hamilton) and Scruggs--8.

Representative present and not voting was: Turner, L. (Shelby)--1.

Thereupon, Senate Bill No. 417, as amended, passed its third and final consideration by the following vote:

Ayes .....	93
Noes .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

Representative voting no was: Robinson (Hamilton)--1.

A motion to reconsider was tabled.

Mr. King moved that Senate Bill No. 78 be placed on the Calendar for Monday, April 27, 1987, which motion prevailed.

House Bill No. 997--Tennessee Code Annotated Title 36, Chapter 13, Pt. 6--Divorce.

On motion, House Bill No. 997 was made to conform with Senate Bill No. 957.

On motion, Senate Bill No. 957, on same subject, was substituted for House Bill No. 997.

Ms. Williams moved that Senate Bill No. 957 be passed on third and final consideration.

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Mr. Buck moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 957 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_. Tennessee Code Annotated, Section 36-3-606, is amended by adding the following to the end of subsection (a) (5):

Except in cases of paternity, the court shall not have the authority to order financial support unless the petitioner and respondent are legally married.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 957, as amended, passed its third and final consideration by the following vote:

Ayes .....	51
Noes .....	40
Present and not voting .....	1

Representatives voting aye was: Bragg, Buck, Burnett, Bushing, Chiles, Clark, Coffey, Collier, Copeland, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Good, Herron, Holcomb, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Lawson, Love, May, Montgomery, Moore (Shelby), Naifeh, Odom, Peroulas, Phillips, Pruitt, Purcell, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Starnes, Swann, Tankersley, Tanner, Turner, L. (Shelby), Ussery, Webb, Williams and Mr. Speaker Murray--51.

Representatives voting no was: Bell, Bewley, Bivens, Byrd, Cain, Cross, Curlee, Davis (Gibson), Drew, Frensey, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Hurley, Ivy, Kent, Long, McAfee, Miller, Moody, Nance, Napier, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Stafford, Stallings, Turner, C. (Shelby), West, Whitson, Winningham, Wix, Wolfe and Wood--40.

Representative present and not voting was: Yelton--1.

A motion to reconsider was tabled.

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House Bill No. 631--Practice dietitians and nutritionists.

Mr. Starnes moved that House Bill No. 631 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 631 by inserting in subparagraph (d) of Section 6, the words "fifty (\$50) dollars in the third line thereof:"

by deleting from Section 10, the words and figures "one hundred eighty (180) days," and inserting in lieu thereof the words "one year from."

by adding at the end of Section 5 (b) the following:

"(7) persons who do not hold themselves out to be licensed and/or registered dietitians/nutritionists of the right to provide services and information related to non-medical nutrition while:

(a) employed by or operating a health weight loss or fitness program;

(b) employed by or operating a health food store;

(c) employed by or operating a business that sells health products including dietary supplements, food, or food materials or provides non-medical nutritional information or distributes nutritional literature; or

(d) conducting classes or disseminating information related to non-medical nutrition."

by deleting Section 12 in its entirety and inserting in lieu thereof:

"SECTION 12. For purposes of implementing this Act, the Board, by duly promulgated rules, shall establish fees not to exceed the following amounts:

(1) application for license or permit, \$100;

(2) examination, \$200;

(3) initial license, \$100;

(4) reciprocity fee, \$100;

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(5) renewal of license, \$100;

(6) duplicate license, \$25;

( ) A licensee who shall fail to renew his/her license and pay the biannual renewal fee after renewal becomes due, the license of such person shall be automatically revoked without further notice of hearing unless renewal is made and all fees paid prior to the expiration of sixty (60) days from the date such renewal becomes due. Any person whose license is automatically revoked as provided herein may have his license reinstated by the Board in its discretion for good cause being shown and upon payment of all past-due renewal fees and upon the further payment of a non-refundable sum of \$50.

( ) Any person licensed to practice by the provisions of this Act, who has retired or may hereafter retire from such practice in this State, shall not be made to register as required by this Chapter if such person shall file with this Board an affidavit on a form to be furnished by the Board, which affidavit shall state the date on which such person retired from such practice and such other facts as shall tend to verify such retirement as the Board shall deem necessary; and provided, further, that if such person re-engages in such practice in this state, such person shall apply for licensure with the Board as provided by this Chapter, and shall meet other requirements as may be set by the Board.

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 631 by deleting the semicolon at the end of Section 5(b)(1) and substituting instead the following words and punctuation:

, provided however that this act shall in no way apply to persons licensed to practice medicine or osteopathy pursuant to T.C.A., Title 63, Chapters 6 and 9;

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 631 by adding a new Section 6, as follows and by renumbering subsequent sections accordingly:



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Section 6. No therapeutic dietary regimen may be developed unless pursuant to the appropriate orders of persons licensed to practice medicine or osteopathy pursuant to T.C.A., Title 63, Chapters 6 and 9.

On motion, the amendment was adopted.

Mr. West moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 631 by adding before the severability section the following new section and renumbering the subsequent sections accordingly:

**SECTION \_\_\_\_:** The provisions and requirements of this act shall not apply to persons currently holding a license or permit issued by a local, state or federal governmental entity to practice as a nutritionist, nutritional counselor, or nutritional consultant or to effect their rights to renew their license or permit.

Mr. Starnes moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	69
Noes	20
Present and not voting	1

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark, Collier, Cross, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Holcomb, Hurley, Huskey, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, May, McAfee, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wood and Mr. Speaker Murray--69.

Representatives voting no were: Cain, Davidson, Davis (Gibson), DePriest, Drew, Head, Hillis, Hobbs, Holt, Ivy, Long, Montgomery, Moody, Rhinehart, Stafford, Swann, West, Wix, Wolfe and Yelton--20.

Representative present and not voting was: Coffey--1.

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Mr. Burnett moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 631 by deleting the punctuation and word "/nutritionist" from Sections 2, 3, 4, 5, 6, 7, 8, and 9.

AND FURTHER AMEND BY adding the following new item (7) to subsection (b) of Section 5:

This act does not prevent any person from furnishing nutritional information as long as the person does not undertake to practice medicine or to treat or cure any disease or injury in violation of law; nor shall this act prevent the free dissemination of literature in the state of Tennessee.

AND FURTHER AMEND BY deleting the punctuation and word "/nutrition" from subsection (4) of Section 4.

AND FURTHER AMEND BY deleting the second sentence of subsection (4) of Section 4 in its entirety and substituting instead the following new sentence:

Methods of practice include nutritional assessment, implementation, and evaluation of nutritional care plans, and the development and administration of nutrition care standards and systems.

AND FURTHER AMEND BY deleting subsection (6) of Section 4 in its entirety.

Mr. Buck moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes .....	62
Noes .....	29

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Chiles, Clark, Coffey, Cross, Curlee, Davis (Knox), DeBerry, Duer, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Holcomb, Hurley, Jackson, Jones, R. (Shelby), Kent, Kisber, Lawson, Long, Love, May, McAfee, Miller, Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix and Wood--62.

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Representatives voting no were: Burnett, Byrd, Cain, Collier, Copeland, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Drew, Herron, Hillis, Hobbs, Holt, Huskey, Ivy, Jared, Jones, U. (Shelby), Kernell, King, Montgomery, Moody, Moore (Lawrence), Rhinehart, Stafford, Turner, L. (Shelby), Wolfe, Yelton and Mr. Speaker Murray--29.

Mr. Kernell moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 631 by deleting Section 5(b)(6).

Mr. Starnes moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	15
Present and not voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), King, Kisber, Lawson, Long, Love, May, McAfee, Moore (Lawrence), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wood, and Mr. Speaker Murray--78.

Representatives voting no were: Byrd, Cain, Curlee, Gaia, Kent, Kernell, Miller, Montgomery, Moody, Moore (Shelby), Stafford, Tankersley, Williams, Wolfe and Yelton--15.

Representative present and not voting was: Napier--1.

Mr. Clark moved the previous question, which motion prevailed by the following vote:

Ayes .....	70
Noes .....	21

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Bushing, Cain, Clark, Collier, Cross, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Garrett, Good, Harrill,

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Hassell, Hawkins, Henry, Herron, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham and Wix--70.

Representatives voting no were: Bragg, Burnett, Byrd, Coffey, Curlee, Davidson, Drew, Hillis, Kent, Kernell, Moody, Moore (Shelby), Nance, Rhinehart, Scruggs, Tankersley, Whitson, Wolfe, Wood, Yelton and Mr. Speaker Murray--21.

Thereupon, House Bill No. 631, as amended, passed its third and final consideration by the following vote:

Ayes .....	88
Noes .....	9

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, and Mr. Speaker Murray--88.

Representatives voting no were: Byrd, Cain, Davidson, Head, Kernell, Montgomery, Tankersley, Wolfe and Yelton--9.

A motion to reconsider was tabled.

Mr. Speaker Murray relinquished the Chair to Ms. DeBerry Speaker pro tem.

Mr. Dixon moved that House Bill No. 756 be placed on the Calendar for Wednesday, April 22, 1987, which motion prevailed.

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House Bill No. 290--Hotel Food Service.

On motion, House Bill No. 290 was made to conform with Senate Bill No. 213.

On motion, Senate Bill No. 213, on same subject, was substituted for House Bill No. 290.

Mr. Coffey moved that Senate Bill No. 213 be passed on third and final consideration.

Mr. Chiles moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 213 by inserting the following new section immediately before the effective date section and numbering the sections accordingly:

SECTION \_\_\_. Tennessee Code Annotated, Section 68-14-314, is amended by adding the following new sentence to subsection (b):

The permit fee shall not be collected by the commissioner if the permit is not issued in the calendar year in which the swimming pool is operated.

AND FURTHER AMEND BY inserting in SECTION 2 (as added by Senate Amendment No. 3) the words "except for the provisions of SECTION \_\_ (as added by this amendment)," after the words "this act" and before the words "shall not apply to".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 213, as amended, passed its third and final consideration by the following vote:

Ayes .....	84
Noes .....	9
Present and not voting .....	2

Representatives voting aye were: Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Holcomb, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller,

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Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, and Mr. Speaker Murray--84.

Representatives voting no were: Bell, Bragg, Davis (Cocke), Hobbs, Holt, Long, Naifeh, Ridgeway and Winningham--9.

Representatives present and not voting were: Ellis and Yelton--2.

A motion to reconsider was tabled.

Mr. Chiles moved that House Bill No. 609 be placed on the Calendar for Wednesday, April 22, 1987, which motion prevailed.

House Bill No. 817--Production oil and gas.

On motion, House Bill No. 817 was made to conform with Senate Bill No. 141.

On motion, Senate Bill No. 141, on same subject, was substituted for House Bill No. 817

Mr. Burnett moved that Senate Bill No. 141 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

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REPRESENTATIVE CRAIN APPEARED IN THE CHAMBER

House Bill No. 794--Municipal planning commissions.

On motion, House Bill No. 794 was made to conform with Senate Bill No. 190.

On motion, Senate Bill No. 190, on same subject, was substituted for House Bill No. 794.

Mr. Burnett moved that Senate Bill No. 190 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

AMEND Senate Bill No. 190 in SECTION 1 by deleting the amendatory language in its entirety and substituting the following:

"One (1) of the members shall be the mayor, or, if the municipality has a city manager, the chief legislative body may designate either the mayor or the city manager to serve on the planning commission. One (1) of the members shall be a member of the chief legislative body of the municipality selected by that body."

Amendment No. 1 was adopted by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

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Thereupon, Senate Bill No. 190, as amended, passed its third and final consideration by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

A motion to reconsider was tabled.

Mr. Burnett moved that House Bill No. 1103 be placed on the Calendar for Thursday, April 23, 1987, which motion prevailed.

### RECESS

On motion, the House recessed for the purpose of meeting with the Senate in Joint Convention.

### IN JOINT CONVENTION

The hour having arrived, set by Senate Joint Resolution No. 134--Relative to Joint Convention, Coach Pat Head Summitt and the Lady Vols, the House and Senate met in Joint Convention.

The Joint Convention was called to order by Mr. Speaker Wilder, President of the Joint Convention.

On motion, the roll calls of the House and Senate were dispensed with.

Thereupon, the Clerk of the Senate read Senate Joint Resolution No. 134 authorizing the Joint Convention.

Senator Moore moved that the President appoint a Committee composed of four members from the Senate and four members from the House to notify Coach Summitt and the Lady Vols that the Joint Convention is in session and awaiting their arrival.



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Mr. President Wilder appointed the following committee: Senators Davis, Haynes, Person and Rucker; and Representatives Head, Naifeh, Peroulas and Ridgeway. Senator Haynes will serve as Chairman of the Committee.

The Joint Convention recessed pending the arrival of Coach Summitt and the Lady Vols.

The Joint Convention was called to order by Mr. President Wilder.

On motion, the roll calls of the House and Senate were dispensed with.

Senator Haynes announced that Coach Pat Head Summitt and the Lady Vols were at the entrance of the House.

The Committee escorted them to the front of the House Chamber.

Mr. President Wilder recognized Representative Head for introduction.

Representative Tommy Head introduced Coach Summitt and Lady Vols.

Coach Pat Head Summitt addressed the Joint Convention.

Mr. President Wilder recognized Senator Bill Owen for presentation.

Senator Owen addressed the Joint Convention and made presentation.

Mr. President Wilder relinquished the Chair to Mr. Speaker Murray, President of the Joint Convention.

Mr. President Murray expressed thanks to Coach Summitt and the Lady Vols.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Mr. President Murray declared the Joint Convention dissolved.

The recess having expired, the House was called to order by Mr. Speaker Murray.

On motion, the roll call was dispensed with.

### **CALENDAR**

House Bill No. 976--Judges' equity reform.

On motion, House Bill No. 976 was made to conform with Senate Bill No. 1002

On motion, Senate Bill No. 1002, on same subject, was substituted for House Bill No. 976.

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Mr. Turner, C. (Shelby) moved that Senate Bill No. 1002 be passed on third and final consideration.

Mr. Turner, C. (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1002 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-4-226(c)(2) is amended by deleting the word "Retired" and substituting instead the word "Former".

AND FURTHER AMEND by adding the following as a new Section 3 and renumbering all sections accordingly.

SECTION 3. Tennessee Code Annotated, Section 55-4-226(e) is amended by inserting the words "or former" between the words "retired" and "members" in the second line.

AND FURTHER AMEND by adding a new section thereto:

SECTION \_\_. The provisions of this act shall not apply to any judge who has been convicted of a felony or who has been removed from office.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1002, as amended, passed its third and final consideration by the following vote:

Ayes .....	92
Noes .....	4

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--92.

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Representatives voting no were: Chiles, Holcomb, Scruggs and Shirley--4.

A motion to reconsider was tabled.

House Bill No. 960--Refusal drivers test.

Mr. Turner, C. (Shelby) moved that House Bill No. 960 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 960 by deleting the second, third, and fourth sentences of amendatory subdivision (3) in section 1 of the bill as printed.

On motion, the amendment was adopted.

Mr. Turner, C. (Shelby) moved that House Bill No. 960 be placed on the Calendar for Wednesday, April 22, 1987, which motion prevailed.

House Bill No. 1097--Nursing homes.

Mr. Burnett moved that House Bill No. 1097 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1097 by deleting the present content of the bill and by inserting, instead, the following:

SECTION: 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding the following new section:

The commissioner of the department of health and environment shall have the authority to impose civil monetary penalties upon deficient nursing homes, as defined by Section 68-11-201(12), under the circumstances provided in this section.

(a) Type A civil monetary penalties may be imposed whenever the commissioner finds the conditions in a nursing home are, or are likely to be, detrimental to the health, safety or welfare of the patients and the commissioner has accompanied this finding by ordering the nursing home to suspend the admission of any new patients, as provided by Section 68-11-207(b). However, no type A civil penalty may be imposed solely for a communicable disease, where the nursing home has maintained an adequate quality of patient care and made reasonable efforts to prevent its spread. The imposition of a type A civil penalty shall exclude the assessment of type B or type C civil penalties for the specific violations contributing to these conditions.

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(b) Type B violations directly impact the care of the patients in the nursing home and are of such clarity and specificity as to provide ample notice to all nursing homes and to the public of the acts prohibited and the conduct required.

(1) A type B civil monetary penalty may be imposed whenever any of the following standards is violated and such violation need neither be repeated, nor found in multiple cases, before the penalty is assessed:

(i) Residents must not be willfully abused or neglected, as these terms are defined by section 14-25-102(1).

(ii) No patient shall be transferred without a written order from the patient's physician, or through other legal processes, and without notification of next of kin, or authorized representative, if any.

(iii) No patient shall be involuntarily transferred or discharged, except for the following reasons:

(A) medical reasons, or

(B) the patient's welfare or the welfare of the other patients, or

(C) nonpayment, except as prohibited by the Medicaid program.

(iv) No involuntary transfer or discharge shall be made until the nursing home has first informed the department and the area long-term care ombudsman.

(v) Facilities for isolating a patient shall be provided in every nursing home. The medical procedures and isolation techniques ordered by a physician shall be used in the care of those patients determined to be contagious. Provisions shall be made to care for any patient exposed to a contagious patient. An infection control procedure shall be developed and implemented.

(vi) The nursing home shall have a full-time administrator, who is licensed in this State and who shall not function as the director of nursing. Any change of administrators shall be reported to the department within fifteen (15) working days. Any agreement to manage a nursing home must be reported to the department within fifteen (15) days of its implementation. However, no civil penalty shall be assessed under this subsection when the board for licensing health care facilities has granted,

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in a specific case, a temporary waiver of this requirement due to the unexpected absence of a full-time administrator when suitable interim arrangements have been made.

(vii) The nursing service shall be under the direction of a full-time, licensed nurse.

(viii) There shall be at least one (1) licensed nurse on duty at all times.

(ix) There shall be at least two (2) nursing personnel on duty on each shift.

(x) Each nursing home shall retain by written agreement a physician, licensed to practice in this state, to serve as a medical consultant.

(2) A Type B civil monetary penalty shall be imposed for violations of the following standards only when the violation directly impacts the care of multiple patients with such scope and magnitude as to clearly show consistent and willful neglect of the requirements, fundamental flaws in the facility's operation, knowing refusal to comply with the minimum standards, or willful inattention to the patient's basic needs:

(i) Body position of bed patients and chair-bound patients shall be changed at least every two (2) hours, day and night, and good body alignment maintained. Bony prominences and weight-bearing parts shall be bathed, dried, and massaged, when needed and when not contradicted by a physician's orders.

(ii) Patients who are incontinent shall have partial baths each time the bed or bed clothing has been wet or soiled. The wet or soiled linen and bed clothing shall be promptly replaced with clean, dry linen and clothing after being soiled. Rubber or plastic sheets shall be cleaned not less than once a week.

(iii) Patients under restraint shall be checked every thirty (30) minutes and, every two (2) hours, shall have the restraints released, their position changed, and be exercised. They shall be offered toilet privileges at least every two (2) hours or more frequently, when requested by the patient.

(iv) Restraints may be applied or administered to patients only on the signed order of a physician. The order must be for a specified and limited period of time and must document the necessity of the restraint. There shall be no standing orders for restraints. Locked restraints are prohibited. Where an

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emergency exists in which the failure to use restraints is likely to endanger the health or safety of the patient or others, the nurse in charge may use his or her judgment to use physical restraints when a physician cannot be immediately consulted, but a consultation and written order must be obtained as soon as possible.

(v) Restraints must be applied in a manner by which they can be speedily removed in case of fire or other emergency.

(vi) Whenever a chemical restraint is administered, the patient shall be observed for adverse reaction and, if found, the drug shall be discontinued immediately and the physician notified.

(vii) Each patient has a right to privacy during treatment and personal care.

(viii) Patients who are ambulatory shall have baths or showers at least two (2) times each week.

(ix) Patients who are bedfast shall have a sponge bath each day.

(x) Patients shall be weighed and their weight recorded at least monthly.

(xi) Each patient shall be given regular personal attention and care of skin, hair, feet, nails, and oral hygiene.

(xii) Patients shall have clean clothing whenever needed and shall be kept free from odor.

(xiii) Medication shall be administered only by licensed medical or licensed nursing personnel.

(xiv) Medications administered shall be ordered by a duly-licensed physician or dentist.

(xv) Medications, treatments, and diet shall be carried out as prescribed.

(xvi) Assistance shall be provided the patient in eating, whenever the patient is unable to feed himself.

(xvii) Whenever patients have medically-prescribed special diets, the menus for those patients must be planned by a registered dietitian.

(xviii) Special diets shall be prepared and served to comply with the physician's orders. Food intake shall be observed and recorded as a part of the patient's care.

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(xix) Three (3) meals shall be served to the patients, daily, at recognized mealtimes. No more than fourteen (14) hours shall elapse between the supper and breakfast meals. Food shall be available for snacks and as ordered by the physician.

(xx) Supplementary food and special diets shall be furnished as ordered in writing by the patient's physician.

(xxi) The water temperature in patient showers and bathing facilities shall not exceed 120 degrees F.

(xxii) No person shall be employed as a nurse assistant in a nursing home unless such person has either satisfactorily completed a training course approved by the board for licensing health care facilities or satisfactorily completes such training within six (6) months of initial employment by passing a practical examination and a written examination.

(xxiii) Nursing homes shall provide a minimum of two (2.0) hours of direct care to each patient every day, including four-tenths (0.4) hours of licensed nursing personnel time.

(3) Whenever a type B civil monetary penalty is based upon a violation's direct impact upon multiple patients, as authorized above in subsection (b)(2), there shall be a rebuttable presumption that a violation exists whenever an error rate of twenty percent (20%) or more is shown for a three (3) month period. For the purpose of this subsection, the error rate may be calculated according to pertinent standards, commonly accepted by the health care industry, or, when no standard has such acceptance, by dividing the number of errors found by the potential number of occurrences among all patients affected by the requirement, such as the number of restraints not released every two (2) hours divided by the product of the number of patients restrained multiplied by the number of restraint releases required during the period of the observation.

(c) Type C violations are neither directly detrimental to the patients, nor directly impact their care, but have only an indirect relationship to patient care. Type C civil monetary penalties shall be imposed for those violations which require an intermediate sanction to insure consistent compliance whenever a nursing home fails to correct a violation, or whenever a violation is repeated, as provided below in subsection (c)(1).

(1) Whenever a deficiency which may constitute a type C violation is found, the department shall issue a written citation. The nursing home shall plan specific steps to correct the deficiency, identify the date upon which these corrections will be completed, and return their written plans to the department within ten (days) of receiving the citation. The department shall either find the plan and the schedule to be reasonable, given the nature of the deficiency and its impact upon the patients in the facility, or require a different plan or schedule of completion. After the date upon which the planned corrections are to have been completed, the department shall re-inspect the nursing home. If the violation has been corrected, no civil monetary penalty shall be imposed, unless the violation has been repeated. If the same violation continues, a type C civil monetary penalty shall be assessed. If the same violation is found during a subsequent inspection or investigation, conducted within twelve (12) months of the finding of the first violation, then a type C civil penalty shall be assessed without any further opportunity to correct the violation before the penalty is imposed and without regard to whether or not a civil penalty was actually imposed for the first violation.

(2) A type C civil monetary penalty shall be imposed, under the circumstances set forth above in subsection (1), for any violation of the following standards:

(i) Nursing homes shall retain legible copies of the following records and reports concerning the facility for the thirty-six (36) months next following their issuance:

- A. Local fire safety inspections;
- B. Local building code inspections, if any;
- C. Fire marshal reports;
- D. Department licensure and fire safety inspections and surveys;
- E. Department quality assurance surveys, including follow-up visits, and certification inspections, if the facility has entered into an agreement to provide services to the medicaid or medicare medical assistance programs;
- F. Federal health care financing administration surveys and inspections, if any;
- G. Orders of the commissioner or board, if any; and
- H. Comptroller of the state treasury's audit reports and findings, if any.



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Copies of these records and reports shall be maintained in a single file at a location convenient to the public and, during normal business hours, they shall be promptly produced for the inspection of any person who requests to view them. Each resident and each person assuming any financial responsibility for a resident must be fully informed, before or at the time of admission, of the availability of these reports to the public, of their location within the nursing home, and given an opportunity to inspect the file before entering into any monetary agreement with the facility.

(ii) The governing board of the nursing home shall establish, and the administrator shall implement, written policies and procedures setting forth the rights of patients to the protection and preservation of dignity, individuality, and, to the extent medically-feasible independence. These policies and procedures may be individual to the nursing home and specific to its program. Staff of the facility shall be trained to respect these considerations and shall execute these policies and procedures. Patients, their families, or other representatives must be fully informed of these rights and the patient shall acknowledge receipt of a copy of the policy accompanied by all of the facility's rules governing patient conduct and responsibilities, at the time of admission and whenever amended.

(iii) No nursing home shall retaliate against or, in any manner, discriminate against any person because of a complaint made in good faith and without malice to the board, the department, the adult protective service, the comptroller of the state treasury, the long term care ombudsman, or other agency having jurisdiction. A nursing home shall neither retaliate, nor discriminate, because of information lawfully provided to these authorities, because of a person's cooperation with them, or because a person is subpoenaed to testify at a hearing involving one of these authorities.

(iv) Nursing homes shall notify the patient's physician of the condition of a patient, when it is medically indicated.

(v) Each patient has a right to have his or her personal records kept confidential and private. The nursing home must have policies to govern access and duplication of the patient's record. Except for those persons authorized by law to inspect such records, written consent by the patient must be obtained before any information can be released. If the patient is mentally incompetent, written consent is required by his or her legal representative.

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(vi) The facility shall maintain and allow each patient access to a written record of all financial arrangements and transactions involving the individual patient's funds. The facility shall provide each patient, or his/her authorized representative, with a written itemized statement at least quarterly of all financial transactions involving the patient's funds. The facility shall keep any funds received from a patient for safekeeping in an account separate from the facility's funds, and patient funds shall not be used by the facility.

(vii) All internal and external medications and preparations intended for human use shall be stored separately. They shall be properly stored in medicine compartments, including cabinets on wheels, or drug rooms. Such cabinets or drug rooms shall be kept securely locked when not in use, and the key must be in the possession of the supervising nurse or other authorized persons, then on duty. Poisons or external medications shall not be stored in the same compartment and shall be labeled as such.

(viii) Schedule II drugs must be stored behind two (2) separately locked doors at all times and accessible only to persons in charge of administering medication.

(ix) In general patient areas, each room shall be served by at least one nurse's calling station and each bed shall be provided with a call button. Two (2) call buttons serving adjacent beds may be served by one calling station. Calls shall register in the nurses' station and shall activate a visible signal in the corridor. A nurses' call emergency button shall be provided for patient's use at each patient toilet, bath, and shower room. Nursing personnel shall answer calls in a timely manner.

(x) The nursing home must ensure that a physician examines each patient on admission or no more than sixty (60) days before the admission.

(xi) A dietary history must be accomplished on each patient as a part of his or her admission record.

(xii) Abnormal food intake shall be routinely recorded as part of the patient's chart.

(xiii) If the nursing service is under the direction of a licensed practical nurse, a licensed registered nurse must be available on the nursing home premises to consult, to review and to advise on the quality of nursing care for at least forty-eight (48) weeks in each calendar year. The registered nurse-consultant shall be on the premises at least eight (8) hours each week and, in nursing homes with fifty-one (51) or more licensed beds, a minimum of twelve (12) hours each week. The nursing home shall maintain documentation of the consultative service provided by the registered nurse.

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(xiv) Nursing homes shall plan, develop, and conduct monthly in-service education programs for nursing personnel and other employees of the nursing home. An organized orientation program shall be developed and implemented for all nursing personnel.

(xv) Each nurse assistant shall receive at least ten (10) hours each year of in-service training related to his or her job responsibilities. A record verifying attendance by each nurse assistant shall be kept in the nursing home files.

(xvi) Any admission in excess of the licensed bed capacity is prohibited, except when an emergency admission has been previously approved by the department.

(xvii) The nursing home shall develop and periodically review with all employees a prearranged written plan for fire prevention and safety, elimination of hazards, and the orderly evacuation of all patients in case of a fire, internal disaster or other emergency. The plan of evacuation shall be posted throughout the home. Fire drills shall be held at least once each quarter on each work shift.

(xviii) Cleaning supplies, toxic substances, and equipment shall be secured at all times to prevent access by patients. Toxic substances shall not be left unattended when not secured.

(xix) The nursing home shall be clean, sanitary and in good repair at all times.

(xx) When the temperature of any patient area falls below 65 degrees F. or exceeds 85 degrees F., or is reasonably expected to, the facility staff shall be alerted to the potential danger, and the department shall be notified.

(xxi) Nursing homes shall maintain readily-available linen in sufficient quantity to meet the needs of the patients.

(xxii) Food shall be protected from dust, flies, rodents, unnecessary handling, droplet infection, overhead leakage and other sources of contamination whether in storage or while being prepared and served and/or transported through hallways. Perishable food shall not be allowed to stand at room temperature except during necessary periods of preparation or serving. Prepared foods shall be kept hot (140 degrees F. or above) or cold (45 degrees F. or less). Appropriate equipment for temperature maintenance, such as hot and cold serving units or insulated containers, shall be used.

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(xxiii) Incidents (such as a fire in the nursing home, burning of a patient, suspected abuse of a patient, or an unusual accident that causes injury to a patient) shall be recorded, investigated within the facility, and a copy of the incident report and the investigative report shall be forwarded to the department within five (5) days of the incident. The original report of the incident and the investigative report shall be retained by the nursing home.

(xxiv) The nursing home's medical consultant shall review all accidents and unusual incidents occurring on the premises, identify hazards to health and safety, and recommend corrective action to the nursing home administrator.

(xxv) To provide electricity during an interruption of the normal electric supply, the nursing home shall be equipped with an emergency power source on the premises. It shall have fuel supply to operate the generator for a minimum of twenty-four (24) hours at rated full load.

(xxvi) Dishwashing machines shall have a hot water supply of 140 degrees F. to 160 degrees F. for washing and 180 degrees F. for sanitizing, if within the original design capacity of the machine.

(xxvii) All refrigerators and freezers shall have thermometers. Refrigerators shall be kept at a temperature not to exceed 40 degrees F. Freezers shall be kept at a temperature not to exceed 0 degrees F.

(xxviii) The nursing home must ensure that a physician writes and signs orders for care, any diagnostic tests, any medication, and treatment.

(xxix) The nursing home must have an agreement with a physician and a hospital that will care for a patient who does not have a private physician or hospital of choice.

(xxx) Clean linens shall be physically separated from soiled linens. Each type of linen shall be received, sorted, processed, held, stored, and issued in designated areas, physically separated from the other.

(xxxi) All nursing homes shall disinfect contaminated articles and surfaces, such as mattresses, linens, thermometers, and oxygen tents.

(xxxii) Patients shall be aided in receiving necessary dental care.

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(d) The standards specified above in subsections (b) and (c) are those whose violation may justify the imposition of a civil monetary penalty. The board for licensing health care facilities may, as authorized by Section 68-11-209, promulgate rules and regulations establishing higher, additional and more detailed minimum standards for nursing homes, but the board shall not have the authority to adopt any standard that is less rigorous than those specified in this section. Should the board find that its rules governing licensed nursing homes are less rigorous than the provisions of this section, the board shall amend its rules to conform to these standards. Should the board adopt higher standards, they may be used for all purposes related to the licensing of nursing homes, but will not alter the circumstances under which civil penalties can be imposed, that power being specifically reserved for the General Assembly.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, is further amended by adding the following new section:

(a) Type A civil penalties may be assessed in the amount of not less than one thousand five hundred dollars (\$1,500.00) and not more than five thousand dollars (\$5,000.00). Type B civil penalties may be assessed in the amount of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00). Type C civil penalties shall be assessed in the amount of two hundred and fifty dollars (\$250.00). Whenever a second civil penalty is imposed for the same violation within twelve (12) months of the first penalty, the amount of the second penalty shall be double the amount otherwise authorized by this subsection.

(b) Upon finding a violation which is, or may be, the basis of a civil monetary penalty, as set forth in section 1, the department inspector shall orally advise the nursing home of the finding before concluding the inspection or investigation.

(1) Within three (3) working days after concluding the inspection or investigation, the department may initiate type B or type C civil penalty proceedings by mailing to the nursing home a written statement citing the provision of section 1 which the department alleges to have been violated, stating the amount of the penalty being assessed, and informing the facility of its right to contest the penalty. Within eight (8) working days after concluding the inspection or investigation, the department shall mail to the nursing home a more detailed statement describing the findings with particularity and citing the law with specificity.

(2) Type A civil penalties shall be assessed by the commissioner in his or her order suspending the admission of any new patients to the nursing home, as provided in Section 68-11-207(b). While not subject to the time requirements set forth in subsection (b)(1), the commissioner's order shall detail the alleged facts and pertinent law with particularity and shall also inform the nursing home of its right to contest the action. Should any nursing home exercise its right to a hearing in contest of both the assessment of a type A civil penalty and the suspension of admissions, the matters shall be consolidated for hearing before an administrative judge and, should reconsideration of the administrative judge's initial order be requested by either party pursuant to section 4-5-317, the matters may be separated with the board for licensing health care facilities reviewing the suspension of admissions and the civil penalty being reviewed as provided in this section.

(3) All documents assessing civil penalties shall be promptly filed with the administrative procedures division of the Secretary of State. Thereafter, should the department elect not to proceed to prosecute the assessment, the department shall file a notice of dismissal, detailing and explaining the reasons for its decision. The notice of dismissal shall be maintained upon the public record and copies filed with the Tennessee commission on aging and the Tennessee health care association. Within thirty (30) days of its entry, a third party may petition the administrative judge to reinstate the penalty proceeding. The administrative judge may grant the petition if it demonstrates that the petitioner's legal rights, duties or legal interests were the subject of the original proceeding, if the administrative judge determines that the petitioner is properly prepared to prosecute the action, and if the administrative judge also determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the reinstatement. Should the assessment of the penalty be reinstated, the administrative judge may, in his discretion, either excuse the department or require the department to participate in the proceeding.

(c) Five (5) working days after the nursing home's actual receipt of either the department's detailed statement of the type B or type C penalty required by subsection (b)(1), or the commissioner's order suspending admissions to the nursing home and assessing a type A penalty, the nursing home shall either pay the penalty assessed or file with the administrative procedures division of the Secretary of State and with the department an answer, demanding a contested case hearing. Should the nursing home fail to answer or to demand a hearing within five (5) working days of its actual receipt of the department's notice, it shall be deemed to have waived its

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right to a hearing, to have admitted the allegations of the assessment, and the civil penalty assessed shall then be due and payable. Should the nursing home pay the penalty assessed on, or before the day upon which its answer is due without contesting the assessment, the amount of the penalty shall be reduced by ten percent (10%).

(d) All contested cases shall be conducted according to the uniform administrative procedures act, Section 4-5-301 et. seq. The hearing shall be conducted within thirty (30) days of the nursing home's demand and an order shall be issued within ten (10) working days after the hearing.

(e) The panel on health care facility penalties shall consist of five (5) members to be appointed by the Governor. One (1) member shall be a physician licensed to practice in this state, a second member shall be a nurse licensed in this state, but neither of these members, nor any members of their immediate families, shall be employed by, nor own any interest in, any nursing homes. The third member shall be a representative of the nursing home industry. The fourth and fifth members shall be public members, one (1) of whom shall be at least fifty-five (55) years of age when appointed. Neither public member, nor any member of their immediate family, shall be employed by a nursing home, own any interest in any health care facility, or have a child, spouse, parent, or sibling who is a patient in a nursing home. All members' terms of office shall expire on April 1st and the initial members shall be appointed for terms expiring as follows: the physician and one (1) consumer in 1989, the nurse and the representative of the nursing home industry in 1990, and the other consumer in 1991. Thereafter, their successors shall be appointed from the same groups as the outgoing members for terms of three (3) years and, if any vacancy occurs on the panel for any reason other than the expiration of term, the appointment shall be for the unexpired term. On their first meeting of each year, the members shall elect one (1) of their number to serve as chairman, who shall have the authority to call all meetings of the panel. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive regulations of the Department of Finance and Administration and approved by the Attorney General.

(f) The panel on health care facility penalties shall have the authority to hear any contested case proceeding under this section. The panel may in its discretion require the case to be conducted in its presence and in the presence of an administrative judge, or the panel may order that the case be conducted by an administrative judge, sitting alone, with the panel available to review any initial order as provided in Section 4-5-315. Should it find them necessary, the panel may promulgate its own procedural rules and regulations, pursuant to Section 4-5-201 et. seq., but such rules may not be inconsistent with these provisions.

(g) Upon hearing a case or reviewing an initial order, the panel or the administrative judge, if sitting alone during a hearing, shall have the power to determine whether the imposition of any civil monetary penalty was proper and lawful, and, if so, whether the amount of the penalty was authorized by law and justified by the facts of the matter. The panel or administrative judge, when sitting alone, may find that no penalty should have been assessed and, if so, the case shall be dismissed and the penalty abated. When it finds that a civil penalty was properly assessed for a violation specified in Section 1, the panel or administrative judge, when sitting alone, may uphold the amount originally imposed, correct the amount of the assessment to conform with the law, or reduce the amount of the penalty, but the amount may be reduced only after considering the following factors:

(1) those set forth in Section 68-11-207 (c);

(2) whether the nursing home had recognized the violation, had voluntarily notified the department prior to any inspection, and had documented the correction of the violation within five (5) working days after the inspection;

(3) whether the violation was an unintended and temporary consequence typical of the on-going operation of a health care facility, which had minimal impact upon the care of the patients; and

(4) whether the nursing home has a dispute, made in good faith and not solely for the purposes of delay, regarding the commissioner's legal authority to impose an assessment.

Either party may appeal the final order of the panel, as provided in Section 4-5-322.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, is further amended by adding the following new section:

Any civil monetary penalties for which a nursing home is liable under the provisions of Section 1 of this Act shall be recovered, collected, deposited, and expended in the following manner:

(a) No action to recover or collect such amounts shall be taken until:

(1) The nursing home has waived its rights to a contested case hearing pursuant to Section 4-5-301 et seq., or

(2) The time allowed the nursing home to demand a contest case hearing, pursuant to Section 2(c) of this Act, has expired without a demand being made or a denial filed, or



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(3) A final administrative order has been entered pursuant to Section 4-5-314.

(b) If the amount due has not been received in full within sixty (60) days from the occurrence of any one of the events specified in subsection (a), the commissioner shall immediately proceed to recover such amount, plus interest thereon computed at the applicable formula rate defined by Section 47-14-102 retroactive to the earliest date of occurrence of any event specified in subsection (a) by one (1) or more of the following means:

(1) Directing the reduction of the amount owed from any balance otherwise due from the state to the facility and directing a remittance of said amount to the Department of Health and Environment, or

(2) Adding such amounts to the facility's licensing fee, the renewal of the facility's license pursuant to Sections 68-11-216 and 68-11-206(5) to be contingent upon the prior payment of such costs, or

(3) Bringing an action in the circuit or chancery court to recover such amounts.

(c) The commissioner shall establish and maintain a nursing home resident protection trust fund, created by the deposit of all penalty monies collected from nursing homes under the provisions of Section 1 through 3 of this Act. The fund created by this subsection shall be maintained for the purpose of protecting the residents of a nursing home, whose noncompliance with the conditions of continued licensure, applicable state and federal statutes, rules, regulations and contractual standards threatens the resident's continuous care, the resident's property, the nursing home's continued operation, or the nursing home's continued participation in the medical assistance program of Title 14, Chapter 23. Notwithstanding any other provisions of the laws to the contrary, any such funds remaining unspent at the end of the fiscal year, shall be carried over into the budget of the department for the subsequent fiscal year, and shall continue to be carried over from year to year until expended for the purposes prescribed herein. However, should the fund ever accumulate to total two hundred and fifty thousand dollars (\$250,000.00) in uncommitted monies not subject to known contingent liabilities, the excess beyond that sum shall be surplus and deposited to the credit of the general fund.

(d) Whenever a nursing home is a party to a proceeding seeking equitable relief pursuant to Section 68-11-213(a) or Section 29-1-103 and in such other proceedings in which the court with jurisdiction over

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the matter finds that complete relief cannot be awarded to a person with a just claim without invoking the provisions of this subsection, the nursing home resident protection trust fund shall be subject to the order of the court for the purposes of assisting with the costs of relocating indigent residents upon the voluntary or involuntary closure of a nursing home, of reimbursing residents for any personal funds lost while held in trust by a nursing home, or of maintaining, in the interests of the resident's health and safety, the on-going operation of a nursing home pending the conclusion of the legal proceedings.

(e) Any order under the authority of the above subsection (d) which divests the assets of the nursing home resident protection trust shall give to the commissioner, as trustee, a right of action to recover any monies paid out of the fund against the property of any person or organization who was legally liable for these expenditures. Such action may be brought in the same court in which the other proceedings are pending or in any court having personal jurisdiction over the defendant.

SECTION 4. Tennessee Code Annotated, Title 68, Chapter 11, is further amended by adding the following new section:

(a) Every nursing home resident/patient shall have the following minimum rights:

(1) To privacy during treatment and personal care. Residents/patients shall be assured of at least visual privacy in multi-bed rooms and in the bathtub, shower and toilet rooms.

(2) If married, to visit in private with his/her spouse, and, if not medically contraindicated and if space is available, to have conjugal visits with his/her spouse and to share a room with his/her spouse.

(3) To visit in private with any person or persons during reasonable hours, subject to the right of the administrator to refuse access to the facility to any person if the presence of that person in the facility would be injurious to the health and safety of a resident or the staff, or would threaten the security of the property of the resident, staff, or facility.

(4) To communicate by telephone with any person they so choose. Telephones shall be readily accessible, and at least one (1) telephone shall be equipped with sound amplification and shall be accessible to patients while in wheelchairs.

(5) To meet with members of, and take part in activities of, social, commercial, religious and community groups subject to the same limitations as in subsection (3) above.

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(6) To the delivery of their mail, unopened, on the business day it is received by the facility and to send mail to any person without interference by the facility.

(7) To exercise his/her rights as a resident and a citizen, to be able to voice grievances and recommend changes in policies and services to nursing home staff and outside persons of their choice, free from restraint, interference, coercion, discrimination or reprisal, and to form and attend patient council meetings to further these rights. The facility shall provide space for these council meetings and, if requested to do so, shall assist residents to organize and conduct the meeting.

(8) To retain and use personal clothing and possessions, as space permits.

(i) The facility must prepare a written personal inventory on the day of admission and update this inventory as new items are acquired or old items are disposed of, as soon as the nursing home becomes aware of these changes.

(ii) The facility shall have a written policy regarding the protection of resident's personal property and the process by which any loss of property is to be investigated.

(9) To be free from being required by the facility to work or perform services.

(10) To choose, with the help of his/her authorized family member or guardian, a personal physician. Further, to be fully informed of his/her medical condition, unless medically contraindicated and documented by the physician in the resident's medical record. The facility shall give the patient and authorized family member(s) the opportunity to participate in the planning of the patient's total care plan and medical treatment.

(11) To refuse treatment.

(i) The resident must be informed of the consequences of that decision.

(ii) The refusal and its reason must be documented in the resident's medical record and reported to the physician.

(iii) The right to refuse treatment may not be abridged, restricted, limited or amended by medical contraindication as provided below.

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(12) To refuse experimental treatment and drugs. Written consent must be obtained from any resident who agrees to participate in research and retained in his/her medical record.

(13) To have records kept confidential and private.

(i) Written consent by the resident must be obtained before any information can be released, except for persons authorized under the law.

(ii) If the resident is mentally incompetent, written consent is required by his/her legal representative.

(iii) The facility must have a written policy governing access to and duplication of patient records and copies of the policies shall be available to all residents and their families upon request.

(14) To manage his/her own financial affairs.

(i) If the resident requests assistance from the nursing home in managing his/her financial affairs, the request must be in writing.

(ii) If the resident desires to designate an additional person to have access to personal funds held for the resident by the facility, this designation must likewise be in writing.

(iii) In the event of the resident's death, the facility shall provide within thirty (30) days thereafter, an accounting of the resident's funds held by the facility and an inventory of the resident's personal property held by the facility to the resident's executor, administrator, or other persons authorized by law to receive the decedent's property. The facility shall obtain a signed receipt from any person to whom the decedent's property is transferred.

(iv) In the event of sale of facility, the seller shall provide written verification that all resident funds and property have been transferred and shall obtain a signed receipt from the new owner. Upon receipt, the buyer shall provide an accounting of funds and property held to the residents.

(v) The facility shall maintain and allow each resident access to a written record of all financial arrangements and transactions involving the individual resident's funds.

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- (vi) The facility shall provide each resident, or his/her authorized representative, with a written itemized statement at least quarterly of all financial transactions involving the resident's funds.
- (vii) The facility shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and resident funds shall not be used by the facility.
- (15) To be suitably dressed at all times and to be given assistance, when needed in dressing, grooming, and maintaining body hygiene.
- (16) For the family or guardian to be notified immediately of any accident, sudden illness, disease, unexplained absence or anything unusual involving the resident.
- (17) To be free from detention against their will. Residents shall be permitted to go outdoors, when weather permits, and to leave the premises when accompanied by a responsible, authorized adult whenever they wish, unless such activity would be clearly dangerous for the resident.
- (18) To not be involuntarily transferred or discharged unless the action is medically indicated and so documented by the treating physician in the resident's medical record, is for the patient's welfare or the welfare of the other patients, or is due to nonpayment, except as prohibited by the Medicaid program.
- (19) To not suffer discrimination or retaliation by the nursing home because the resident has reported to or cooperated with any board or agency having the responsibility for protecting the rights of residents or has attempted to assert any right protected by state or federal law.
- (20) To be free from chemical (drugs) and physical restraints except upon specific written orders of the treating physician.
- (21) To be free from willful abuse or neglect, as these terms are defined by Section 14-25-102(1).
- (22) To be told in writing before or at the time of admission about the services available in the facility and about any extra charges, charges for services not covered under medicare or medicaid, or not included in the facility's bill.
- (23) To exercise his/her own independent judgement by executing any documents, including admission forms.

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(24) To be treated with consideration, respect, and full recognition of his/her dignity and individuality.

(25) Each facility shall respect a resident's right to the use and quiet enjoyment of his personal room, or, in the case of multiple occupancy, that part of his room designated for this personal use. To this end, resident's shall have the right to close the door to their room if they wish unless the physician or registered nurse, for medical reasons, orders the door to remain ajar or fully open. The staff of the facility shall have the right to check on a resident in his room by coming to the door or into the room as needed to provide medical care, personal care or to ensure the safety of the patient.

(26) Subject to the availability of space, facilities with multiple occupancy rooms shall honor the request for a common room assignment when both residents make the request and when both are of the same sex or are related by blood or marriage. If the treating physician states there are medical reasons for denial of the request, the facility may deny a joint room assignment.

(b) The rights set forth in Section (a) above may be abridged, restricted, limited or amended only as follows:

(1) When medically contraindicated; or

(2) When necessary to protect and preserve the rights and safety of the other residents in the facility.

(3) Any reduction in resident's rights based upon medical consideration or the rights of other residents must be explicit, reasonable, appropriate to the justification, and the least restrictive response feasible. They may be time-limited, shall be explained to the resident, and must be documented in the individual resident's record by reciting the limitation's reason and scope. Medical contraindications shall be supported by a physician's order. At least once each month, the administrator and the director of nursing shall review the restriction's justification and scope before removing it, amending it, or renewing it. The names of any residents in the facility whose rights have been restricted under the provisions of this subsection shall be maintained on a separate list, which shall be available for inspection by the Department and by the area long-term ombudsman.

SECTION 5. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding the following new section:

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(a) The Department of Health and Environment shall establish and maintain a registry containing the names of any persons who have been determined to have abused or intentionally neglected elderly or vulnerable individuals. The names and information contained in this registry shall be confidential and shall not be available for public inspection under Section 10-7-503. Such names and information shall be released only to the persons, and under the circumstances, prescribed herein. The department may discharge its responsibilities under this section directly, or through interagency agreement; provided, however, that authorized access to the records by means of a single centralized agency shall be assured.

(b) For purposes of compiling the records required by this section, the Department of Health and Environment shall have access to the arrest and conviction records of the Tennessee bureau of investigations and records of the Department of Correction, the Department of Human Services, the Department of Mental Health and Retardation, and local law enforcement agencies. Records available to the Department of Health and Environment for this purpose shall include, notwithstanding any other law to the contrary, report or reports received and maintained pursuant to Sections 14-25-103, 37-1-408 and 37-1-605.

(c) Access to the information contained in the registry established pursuant to this section shall be afforded only in the following circumstances:

(1) to nursing homes, intermediate care facilities for the mentally retarded, or homes for the aged, and only for the purpose of determining whether to employ an individual whose name appears in the registry.

(2) to the board of examiners for nursing home administrators, and only for the purposes of determining whether to grant or renew a license under Section 63-16-101 et. seq.;

(3) to the board for licensing health care facilities and only for the purpose of determining whether to grant, suspend or revoke a license pursuant to Section 68-11-201 et. seq.;

(4) to the Department of Mental Health and Mental Retardation and only for the purpose of determining whether to grant, suspend or revoke a license pursuant to Section 33-2-501 et seq.; and

(5) to any individual whose name appears in the registry, but only for the purpose of informing such individual of the allegations against him which are contained in the registry.

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(d) The Department of Health and Environment shall not include any name in the registry until the person who is the subject or allegations of abuse or intentional neglect has been notified in writing mailed to the last known address that:

(1) an allegation has been made against him, the substance of the allegation, and that an investigation has been conducted which tends to substantiate the allegation;

(2) that his name will be included in the record of the department as having been alleged to have abused or intentionally neglected an elderly or vulnerable individual;

(3) the consequences of being listed in the registry; and

(4) his right to challenge the allegation or to submit further information in mitigation of the allegation. Equivalent notice shall also be afforded the individual whose name is to be included in the registry prior to the release of such information to any other party, such additional notice to be mailed to the person at the address listed in the person's application pursuant to subsection (f).

(e) Within thirty (30) days of his receipt of notice that his name has been or is to be included in the registry, such individual may request a hearing before the commissioner of health and environment. He may also submit to the department for inclusion in the record additional information in mitigation of the allegations. Unless the individual has previously been afforded a hearing with regard to the same allegations, such individual shall be afforded a hearing by the commissioner which complies with the requirements of due process and the provisions of Section 4-5-301 et. seq. If the report of abuse or intentional neglect is allegedly substantiated by a criminal conviction, the individual may challenge the accuracy of the report of his conviction, but may not collaterally attack the conviction itself nor attempt to refute the factual findings upon which the conviction is based. If, upon a hearing, the allegation of abuse or intentional neglect is not established by a preponderance of evidence, such allegations shall be expunged from department's registry and from any reports made under subsection (f) and shall not be re-entered thereon unless subsequently reconfirmed by criminal conviction. If any reports have previously issued containing such allegations, the department shall promptly notify the recipients of such reports of the fact that the allegations have not been substantiated and have been expunged.

(f) Each person applying:



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- (1) to work as a paid employee with a nursing home, intermediate care facility for the mentally retarded, or home for the aged as defined in Section 68-11-201, or
- (2) for a license as a nursing home administrator, or
- (3) for a license to operate a nursing home, intermediate care facility for the mentally retarded, or home for the aged, shall complete an application on a form approved by the Department of Health and Environment. The application shall authorize and direct the department to release to the prospective employer or appropriate licensing authority any information regarding the applicant which may be contained in the department's registry. The applicant shall be required to disclose on the application, in addition to necessary identifying data, a current valid mailing address at which he wishes to receive notice pursuant to subsection (d). Upon receipt of such application, and subject to the notice and hearing requirements contained herein, the department shall promptly forward to the prospective employer or licensing authority designated in the application any information on the applicant contained in its files, or shall promptly notify such party that the name of the applicant does not appear in the registry.
- (g) Anyone who submits an allegation of abuse or intentional neglect to the department for inclusion in the registry, or who testifies in any administrative or judicial proceeding arising from such allegation shall be immune from any civil or criminal liability for making such report or for testifying except for liability for perjury, unless such person acted in bad faith or with malicious purpose. A licensing authority which refuses to license, or a facility which declines to employ or terminates a person whose name is listed in the registry as having abused or intentionally neglected an elderly or vulnerable individual shall be immune from suit by or on behalf of that person for the refusal to license or employ him.
- (h) It shall be unlawful for any person to:
  - (1) knowingly falsify any information on an application required by subsection (f); or
  - (2) for any state employee or any recipient of information released pursuant to subsection (f) to divulge or use information maintained in the registry for any purpose other than authorized herein.

SECTION 6. Tennessee Code Annotated, Section 63-16-107, is amended by adding the following additional subsection:

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(e) The Commissioner of Health and Environment shall notify the board of examiners for nursing home administrators of all cases in which a nursing home is sanctioned by suspension of admissions or imposition of a civil monetary penalty or in which the commissioner determines that the quality of care provided to residents is seriously inadequate due to acts or omissions of the administrator. In all such cases, the license or certificate of registration of any person who has engaged in the practice of nursing home administration at that facility during the year preceding the imposition of sanctions or the commissioner's finding of inadequacy shall not be renewed by the board until the board has reviewed all information complied by regulatory agencies pertaining to the quality of care rendered at facilities under the person's administration. Following such review, the board may renew the license or certificate of registration only upon an affirmative finding that the person can be expected to satisfactorily discharge the duties of an administrator in the future, in a manner which assures an adequate level of care for nursing home residents.

SECTION 7. Tennessee Code Annotated, Section 68-11-206, is amended by deleting the word "and" at the end of subsection (1)(D) and by deleting subsection (1)(E) in its entirety and substituting therefore the following:

(E) A certification that the applicant has implemented a policy of informing its employees of their obligations under Section 14-25-103 to report incidents of abuse or neglect; and

(F) If an application for a nursing home license, a list of all nursing homes which the applicant, or any person or entity holding a majority legal or equitable interest in the applicant, owns or operates and, if the applicant has not operated a nursing home in this state for a continuous period of twenty-four months preceding the application, the information specified in Section 1(c)(2)(i) for each such nursing home located outside this state.

(G) Such other information as the department, with the approval of the board, may require.

SECTION 8. Tennessee Code Annotated, Title 68, Chapter 11, is further amended by adding the following new section:

(a) No nursing home or home for the aged may retaliate or discriminate in any manner against any person who:

(1) in good faith complains or provides information to, or otherwise cooperates with, any agency of government or any person or entity operating under contract with an agency of government, having any responsibility for protecting the rights of residents of nursing homes or homes for the aged; or

(2) attempts to assert any right protected by state or federal law.

(b) Whenever the department conducts inspections and investigations in response to complaints received from the public, the identity of the complainant and the identity of any patient or resident who is the subject of the complaint, or identified therein, shall be treated as confidential and shall not be open to inspection by members of the public, notwithstanding any provision of Title 10, Chapter 7 to the contrary. It being in the public interest that the identity of such persons shall be protected from disclosure, their identity shall be provided in response to litigation only after a finding by the court that justice so requires.

(c) Each nursing home shall provide a reasonable amount of storage space for the personal property of the residents. The nursing home shall provide a means of safeguarding small items of value for the resident in his or her room, or in some other part of the facility if the resident can have daily access to such valuables. The facility shall develop procedures for investigating complaints of the theft of residents' property and shall document its investigation of all such complaints.

(d) Each nursing home shall deposit any funds in excess of one hundred dollars (\$100.00) received from, or on behalf of, a resident in an interest-bearing account, insured by an agency of the Federal Government. The account shall be maintained in a manner clearly indicating that the facility has only a fiduciary interest in the funds. When individual interest-bearing accounts or collective accounts capable of individual attribution of interest payments are not readily available for such deposits, the nursing home may use a single account for deposits by, or on behalf of, more than one (1) resident, but shall maintain records documenting the amount of principal owned by each depositor. Any interest accruing on such accounts need not be paid to individual depositors, but shall be used for the benefit of the facility's residents to pay for activities or amenities not covered by the facility's charges. The nursing home may keep up to one hundred dollars (\$100.00) of a resident's money in a non-interest bearing account or petty cash fund, readily available for the resident's current expenditures. The nursing home shall maintain a surety bond on all funds held in trust for facility residents and shall make an annual, audited accounting of such funds, available to the residents and for public inspection.

(e) Except when the resident's attending physician determines that the failure to transfer a nursing home resident will threaten the health or safety of the resident or others, and documents that determination in the resident's medical record, no involuntary transfer or discharge shall occur until a physician has certified, in writing, that he has personally examined the resident within the seven (7) days immediately

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before the proposed transfer or discharge, that he is familiar with the discharge plans and provisions for continuing the resident's care, and that the transfer or discharge will not pose a threat to the health or safety of the resident. Whenever the term is used in this Act, "transfer" refers to the movement of a patient or resident to a location outside of the nursing home and does not refer to intrafacility transfers in which a patient or resident changes, beds, rooms, or wings of the same nursing home.

(f) The administrator of a nursing home may refuse access to the facility to any person whose presence would be injurious to the health and safety of a resident or the staff, or would threaten the security or the property of the residents, staff or facility. Any person refused access to a nursing home shall be notified at the time of the refusal of his right to file a complaint with the department, who may require the facility to answer as to its reasons. Counseling residents regarding their legal rights shall not constitute an activity justifying denial of access.

(g) The commissioner shall determine what, if any, nursing home resident morbidity and mortality data would materially aid enforcement of quality of care standards and would be feasible for nursing homes to report. Data meeting this criteria shall be collected and reported to the department as prescribed by regulation, but shall be confidential and not subject to public inspection under Section 10-7-503.

(h) Prior to the admission of a resident to a nursing home or prior to the execution of a contract for the care of a resident in a nursing home (whichever occurs first), the nursing home shall make the following written disclosures to the resident, his authorized representative and his next of kin, if any:

(1) the facility's basic daily or monthly rates:

(2) a description of all facility services, including those offered on an as needed basis, and related charges, including any extra charges for services not covered by third party governmental programs or by the facility's basic daily or monthly rate.

(3) the right of the resident, his authorized representative, and his authorized next-of-kin to review the resident's medical and financial records and the resident's right to have such records be kept confidential as to inspection by other third parties, unless the resident has given such parties written consent or they are otherwise authorized by law to make such inspection.

(4) a copy of the policies or procedures required for the protection of residents' rights by this chapter or by the regulations of the board for licensing health care facilities or by any federal agency with jurisdiction over the facility.

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(5) the address and telephone numbers of the Department of Health and Environment, the local long term care ombudsman and local legal services organizations funded under the Older Americans Act that offer services without charge to facility residents, along with a brief description of the services provided without charge by such agencies.

A notice shall be posted conspicuously in the reception area and business office of the nursing home advising the public of the availability for inspection of these materials and of those reports required by Section 1(c)(2)(i).

(i) Notwithstanding any other law to the contrary, any and all enforcement powers and authority conferred by Section 68-11-207(b) or by Sections (2) and (3) of this Act on the Commissioner of the Department of Health and Environment shall be exercised by the Commissioner of Mental Health and Mental Retardation in the case of any facility which is both licensed by the Department of Mental Health and Mental Retardation, pursuant to Section 33-2-501 et seq., and is also certified to participate in the Medicare or Medicaid medical assistance programs as an "intermediate care facility for the mentally retarded", as defined by Title 42, Code of Federal Regulations, part 442, subpart G. All powers and duties conferred by Section 68-11-207(b) on the board for licensing health care facilities shall, for the limited purposes of this subsection, be exercised by the Commissioner of Mental Health and Mental Retardation. Before exercising the powers of sections two (2) and three (3) of this act, the Commissioner of Mental Health and Mental Retardation shall, first, promulgate regulations identifying those standards pertinent to intermediate care facilities for the mentally retarded whose violation may justify the assessment of a civil monetary penalty, classifying those standards by type, and detailing the circumstances under which civil penalties may be imposed.

SECTION 9. Tennessee Code Annotated, Section 68-11-207(b), is amended by inserting the following new material between the second and third sentences of the present text, immediately after the phrase "...to revoke the suspension of admissions." and immediately before the phrase "The Board shall have the authority...":

Whenever the commissioner suspends the admission of any new patients, the commissioner shall detail, in a notice to the facility, the specific violations causing the suspension. This notice shall detail what conditions are considered detrimental to the health, safety or welfare of the patients and an explanation of the specific timeframe when and conditions under which the facility can reasonably expect the suspension to be lifted. If the facility complies with these conditions, the commissioner shall lift the suspension within the timeframe unless other conditions exist that warrant an additional suspension or continuation of the suspension.

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SECTION 10. If any part, phrase, clause, section or sentence of this Act is found to be unconstitutional, all remaining parts of the Act shall remain in effect, there being a legislative intent that each part, phrase, clause or sentence shall stand alone with a separate purpose and reason for enactment.

SECTION 11. This law shall take effect on July 1, 1987, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1097, as amended, passed its third and final consideration by the following vote:

Ayes .....	98
Noes .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

Representative voting no was: Gaia--1.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

841--To regulate bidding procedures, education;

1254--To set aside certain funds, disadvantaged businesses; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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House Bill No. 1244--Federal funds with Transportation.

On motion, House Bill No. 1244 was made to conform with Senate Bill No. 1254.

On motion, Senate Bill No. 1254, on same subject, was substituted for House Bill No. 1244.

Mr. Dixon moved that Senate Bill No. 1254 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

Representative voting no was: Severance--1.

A motion to reconsider was tabled.

Mr. Scruggs moved that House Bill No. 359 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 619--Agricultural development.

Mr. Herron moved that House Bill No. 619 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

**AMENDMENT NO. 1**

AMEND House Bill No. 619 by deleting in subsection (b) of the

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amendatory language of Section 2 the punctuation mark "." after the word "surface" and adding thereto the following:

"upon the occurrence of either procedure provided in subsection (d) of this section."

AND FURTHER AMEND by deleting in subdivision (c) (1) of the amendatory language of Section 2 the word and numeral "two (2)" and substituting therefore the word and numeral "three (3)."

AND FURTHER AMEND by deleting in subdivision (c) (2) of the amendatory language of Section 2 the words "and description of the land under which such mineral interest is located." and by adding the punctuation mark "." after the word "interest".

AND FURTHER AMEND by deleting in the amendatory language of Section 2 subsections (d), (e), (f), and (g) in their entireties, and substituting therefore the following:

(d) Any person who will succeed to the ownership of any mineral interest, upon the lapse thereof, may effectuate said lapse by proceeding in accord with either subsection (e) or (f) of this section.

(e)

(1) Any person who will succeed to the ownership of any mineral interest, upon the lapse thereof, may give notice that such mineral interest shall lapse in sixty (60) days by publishing the same in the newspaper of general circulation in the county in which such mineral interest is located, and, if the address of such mineral interest owner is shown of record or can be determined upon reasonable inquiry, by mailing within ten (10) days after such publication a copy of such notice to the owner of such mineral interest.

(2) Sixty (60) days after the publication provided for in subsection (e) (1), such person shall give notice of the lapse of such mineral interest in the same manner as provided in subsection (e) (1).

(3) All notices provided for in this section shall state the name of the owner of such mineral interest, if known, as shown of record, a description of the land, and the name of the person giving such notice.

(4) If a copy of such notices, together with affidavits of service thereof, shall be promptly filed in the office of the register of deeds in the county wherein such land is located, the record thereof shall be prima facie evidence, in any legal proceedings, that such notices were given.



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(5) Upon the filing of the statement of claim, provided for in subsection (c) of this section or the proof of service of notices as provided in subsections (e) (1) and (2) in the register of deed's office for the county where such interest is located, the register shall record the same in a book to be kept for that purpose, which shall be known as the "Dormant Mineral Interest Record" and shall indicate by marginal notation on the instrument creating the original mineral interest and the instrument creating the interest of the current surface owner the filing of the statement of claim or affidavit of publication and service of notice. For purposes of this subsection, the date of lapse of mineral interest shall be the date the entry of said lapse is recorded in the Dormant Mineral Interest Record.

(f)

(1) Upon the lapse of the time period as set forth in subsection (c) (1), any person who will succeed to the ownership of any mineral interest, may file a legal proceeding in the circuit or chancery court in the county where the mineral interest is located. If unable to obtain personal service of process upon the mineral interest holder, service may be obtained by publication as provided by Tennessee Code Annotated, Section 21-1-204.

(2) In order for the judicially determined lapse to be effective as to the subsequent interest holders, a certified copy of the final order evidencing the same must be recorded in the register of deeds office in the county where the property is located.

(3) The legal proceeding filed pursuant to subdivision (1) must be in the nature of an action to quiet title and may be maintained whether the owner of the mineral interest or the whereabouts of the owner is known or unknown. In addition thereto, any person who will succeed to the mineral interest, if a lapse has occurred, must establish that the mineral interest owner has failed to use the mineral interest as defined in subsection (a) (2).

(4) Upon the filing of the certified copy of the order evidencing the lapse of the mineral interest, in the register of deeds office for the county where such interest is located, the register of deeds shall record the same in a book to be kept for that purpose, which shall be known as the "Dormant Mineral Interest Record" and shall indicate by marginal notation on the instrument creating the original mineral interest and the instrument creating the interest of the current surface owner the filing of the certified copy of the order evidencing the lapse.

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(g) The provisions of this section may not be waived at any time prior to the expiration of the twenty (20) year period provided in subsection (b).

(h) No action shall be brought by any person to contest the lapse of a mineral interest pursuant to this section after three (3) years from the date said interest lapsed.

(i) This section applies in all ways to property owned by the state of Tennessee.

AND FURTHER AMEND by adding the following as a new section immediately before Section 6 and redesignating subsequent sections accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 28-3-110, is amended by adding the following language at the end thereof:

Nothing in this section shall bar a person from bringing an action to contest the lapse of a mineral interest within the period provided by Tennessee Code Annotated, Section 66-5-108 (h).

AND FURTHER AMEND by adding in subsection (a) of the amendatory language of Section 5 the following new language at the end of the subsection:

Provided, however, if the collector of taxes has not previously provided notice to the owner of a dormant mineral interest of the assessment of taxes on such interest, then there shall be no back assessment of taxes, but the owner of the mineral interest shall be liable for taxes accruing after the effective date of this Act as otherwise provided by law.

Mr. Hillis moved to amend Amendment No. 1 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

by deleting the first amendatory clause in its entirety.

AND FURTHER AMEND by deleting subsections (d), (e), and (f) in the amendatory language of the fourth amendatory clause and by renumbering the remaining subsection accordingly.

AND FURTHER AMEND by deleting in the fifth amendatory clause the language "Section 28-3-110" and by substituting instead the language "Section 28-2-110".

AND FURTHER AMEND by adding the following as a new Section:

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Section \_\_\_\_\_. Section 2 is amended by deleting subsection (d) in its entirety and substituting instead the following:

(d)

(1) Any person who will succeed to the ownership of any mineral interest upon the lapse thereof may commence said lapse by filing with the Clerk and Master of the county in which the mineral interest is located a Complaint of Claim of Abandoned Mineral Interest which may be in the following or a similar form:

**COMPLAINT FOR CLAIM OF ABANDONED MINERAL INTEREST**

I, \_\_\_\_\_, after being duly sworn according to law, would state to the Court as follows:

1. My full name is \_\_\_\_\_ and I reside at \_\_\_\_\_:  
(address)

2. I am the current owner of record of a surface estate located at \_\_\_\_\_ of record in Book \_\_\_\_\_, Page \_\_\_\_\_, Register's office of \_\_\_\_\_ County, Tennessee.

3. After inquiring with the county property assessor, I am not aware of any tax being paid for the mineral estate which underlies my surface estate. The mineral estate is of record (if known) in Book \_\_\_\_\_, Page \_\_\_\_\_, Register's Office of \_\_\_\_\_ County, Tennessee. The name of the mineral interest owner (if known) is \_\_\_\_\_ and the address (if known) is \_\_\_\_\_.

4. Upon reasonable inquiry, I am not aware of any use being made of the mineral estate underlying my surface estate as defined in Tennessee Code Annotated, Section 66-5-108.

5. I believe the mineral interest is abandoned.

6. Upon the publishing of notice as required by Tennessee Code Annotated, Section 66-5-108 and the failure of the mineral interest owner to file a statement of claim, plaintiff demands that the mineral interest be declared to be abandoned, that the interest lapse and be reunited with the above-mentioned surface estate.

This \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Signature of Surface Owner)

State of Tennessee )  
County of \_\_\_\_\_ )

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Personally appeared before me, \_\_\_\_\_  
(name of clerk or deputy)  
of said county, \_\_\_\_\_, the within named plaintiff,  
(plaintiff's name)  
having been duly sworn who acknowledged that he/she executed the within  
instrument for the purposes therein contained.

Witness my hand, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

My commission expires: \_\_\_\_\_.

(2) The complaint shall be verified and filed by the Clerk and Master upon payment of the fee provided below.

(3) Upon the filing of a Complaint of Claim of Abandoned Mineral Interest the Clerk and Master shall give notice that the mineral interest identified in the Complaint shall lapse in sixty (60) days by publishing the same once a week for three (3) consecutive weeks in a newspaper of general circulation in the county in which such mineral interest is located and, shall send by certified mail within ten (10) days after such publication a copy of such notice to the owner of such mineral interest identified by the Plaintiff in the Complaint of Claim of Abandoned Mineral Interest.

(4) If sixty (60) days after publication provided in subsection (3), the mineral interest owner does not file with the Clerk and Master an answer alleging a claim to the mineral interests, the Clerk and Master shall so certify to the Chancellor who shall enter the following Order declaring the mineral interest has lapsed and vesting title to the mineral interest in the owner of the surface estate:

#### Order

The cause came to be heard this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, before the Honorable \_\_\_\_\_, Chancellor of the Chancery Court for \_\_\_\_\_ County, upon the Complaint for Claim of Abandoned Mineral Interest pursuant to Tennessee Code Annotated, Section 66-5-108, and certification by the Clerk and Master that no answer has been filed after providing the notice required by said statute.

The Court therefore finds that there has been no use of the mineral interest located at \_\_\_\_\_ of record, if known, in Book \_\_\_\_\_, Page \_\_\_\_\_, Register's Office of \_\_\_\_\_ County, Tennessee, as defined in Tennessee Code Annotated, Section 66-5-108; and the mineral interest has been abandoned.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the mineral interest located at \_\_\_\_\_, of \_\_\_\_\_ (address) record, if known, in Book \_\_\_, Page \_\_\_, Register's Office of \_\_\_\_\_ County, Tennessee, is abandoned and that mineral estate shall be reunited to the surface interest titled to \_\_\_\_\_ of record in \_\_\_\_\_ (name of surface owner) Book \_\_\_, Page \_\_\_, Register's Office of \_\_\_\_\_ County, Tennessee.

\_\_\_\_\_  
Chancellor

(5) All notices provided for in this section shall state the name of the owner of the mineral interest, if known, as shown of record, a description of the land and the name of the person filing the Complaint of Claim of Abandoned Mineral Interest.

(6) Upon the filing of the statement of claim provided in subsection (c) of this section or the Order provided in subsection (d)(5) of this section in the register's of deeds office for the county where such interest is located, the register shall record the same in a book to be kept for that purpose, which shall be known as the "Dormant Mineral Interest Record", and shall indicate by marginal notation on the instrument creating the original mineral interest and the instrument creating the interest of the current surface owner, the filing of the statement of claim or Order.

(7) In order for the judicially determined lapse to be effective as to the subsequent interest holders, a certified copy of the final order evidencing the same must be recorded in the register of deeds office in the county where the property is located.

(8) The Clerk and Master shall charge a fee of thirty dollars (\$30.00) for the filing of the Complaint of Claim of Abandoned Mineral Interest and the Order provided for in this section and shall collect the fees necessary for the publication required in this section.

AND FURTHER AMEND by adding a new section thereto as follows:

Section \_\_\_\_ Tennessee Code Annotated, Section 8-21-401(a)(7), is amended by adding a new item thereto, as follows:

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( ) For proceedings in claims for abandoned mineral interests cases pursuant to Section 66-5-108..... \$30.00

**AND FURTHER AMEND** by adding the following as a new section thereto:

Section \_\_. Section 2 is amended by adding the following subsections:

( ) Any person who prevails in an action to quiet title to challenge a statement of claim or a Complaint for Claim of Abandoned Mineral Interests filed pursuant to this section may be awarded reasonable attorney's fees and costs if the court finds that the statement of claim or the complaint was not filed in good faith. A court may find that a statement of claim or the complaint was not filed in good faith if such was filed without reasonable inquiry, with no factual basis, and for purposes of harassment.

If the court finds no record of taxes paid or statement of claim filed for the lapsed mineral interests which references the mineral estate by tax map and parcel number, then a Complaint for Claim of Abandoned Mineral Interest shall be deemed to have been filed in good faith.

( ) The only parties of interest pursuant to this section shall be an owner of the mineral interest and a person who shall succeed to the ownership of the mineral interest upon its large. Any third person claiming title or interest in any matter pursuant to this section shall prove by verified complaint, affidavit or other evidence that the third person's rights are or will be violated and that he will suffer injury, loss or damage if not allowed to become a party thereto.

**AND FURTHER AMEND** by deleting the word "deemed" in Section 2(c)(4) of the printed bill and substituting instead the words "prima facie evidence in any legal proceedings".

**AND FURTHER AMEND** by adding the following new sentence at the end of subsection (b) of the amendatory language of Section 4:

All property registered and identified sufficiently to the property assessor on the effective date of this act and on which taxes have been paid through the current tax year on the effective date of this act shall not be required to register again. Property shall be deemed to have been identified sufficiently if and only if it has been identified to the property assessor by the mineral owner in at least one of these three (3) ways:

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(1) By map and parcel number of the surface owners above the mineral estate; or

(2) By providing to the property assessor reliable and accurate maps showing the location of the mineral interest in relation to the surface estates, which maps shall be kept on file in the property assessor's office. The property assessor shall use those maps to identify the surface owners above the mineral interest; or

(3) By providing the names of the surface owners and enough additional information so that the property assessor can identify on the property assessor's maps the location of the mineral interest. The property assessor shall keep the names and information on file and shall use the information to identify on the property assessor's maps the location of the mineral interest in relation to the surface estate.

**AND FURTHER AMEND** by adding a new section as follows:

Section \_\_\_\_\_. Section 5 is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Failure of the mineral interest owner to register a mineral interest with the property assessor within three (3) years of the effective date of this act shall subject the property to back assessment or reassessment pursuant to Tennessee Code Annotated, Title 67, Chapter 1, Part 1, and to a penalty of twenty-five percent (25%) of the assessment or back assessment of taxes.

**AND FURTHER AMEND** by adding a new section as follows:

Section \_\_\_\_\_. Section 4 is amended by deleting subsection (d) in its entirety.

**AND FURTHER AMEND** by adding a new section as follows:

Section \_\_\_\_\_. Section (2)(b) is amended by adding after the word "extinguished" and before the punctuation and language ", unless":

by legal proceedings provided in this section

**AND FURTHER AMEND** by deleting in the fifth amendatory clause the language "66-5-108(h)" and by substituting instead the language "66-5-108(f)".

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On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Napier moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 619 by adding at the end of the definition of "mineral interest" the following:

"Mineral interest" shall not include the mineral phosphate.

Mr. DePriest moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes .....	52
Noes .....	24
Present and not voting .....	10

Representatives voting aye were: Bell, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Frensley, Gaia, Hassell, Hawkins, Head, Herron, Hillis, Holcomb, Holt, Hurley, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Lawson, Long, May, McAfee, Odom, Purcell, Rhinehart, Shirley, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Ussery, Williams, Wix, Wolfe, Wood, Yelton--52.

Representatives voting no were: Cross, Curlee, Davis (Knox), Ellis, Harrill, Henry, Hobbs, Kent, Miller, Montgomery, Moody, Moore (Lawrence), Nance, Napier, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Webb, Wheeler, Winningham and Mr. Speaker Murray--24.

Representatives present and not voting were: Bivens, Good, Ivy, Naifeh, Pruitt, Stafford, Tanner, Turner, L. (Shelby), West and Whitson--10.

Mr. Hobbs moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 619 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:



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Section \_\_. If the mineral estate has been severed from the surface estate, any taxes levied on such mineral estate pursuant to Tennessee Code Annotated, Title 67, Chapter 7, shall reduce by an equal amount the tax liability of the surface owner above the mineral estate.

Mr. Jared moved to amend Amendment No. 3 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 3**

Amend by adding a new section to be appropriately designated:

SECTION \_\_. If the mineral estate has been severed by deed from the surface estate, the surface owner shall not be taxed for the mineral estate.

AND FURTHER AMEND by deleting the following language:

SECTION \_\_. If the mineral estate has been severed from the surface estate, any taxes levied on such mineral estate pursuant to Tennessee Code Annotated, Title 67, Chapter 7, shall reduce by an equal amount the tax liability of the surface owner above the mineral estate.

Mr. Hobbs moved that Amendment No. 1 to Amendment No. 3 be tabled, which motion failed by the following vote:

Ayes .....	34
Noes .....	58
Present and not voting .....	3

Representatives voting aye were: Bell, Bewley, Cross, Curlee, Davis (Cocke), Davis (Gibson), Duer, Frensley, Gaia, Good, Harrill, Henry, Hobbs, Hurley, Huskey, Kent, Kisber, Miller, Moore (Lawrence), Napier, Peroulas, Phillips, Ridgeway, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stallings, Starnes, Tanner, Webb, Wheeler, Wolfe and Mr. Speaker Murray--34.

Representatives voting no were: Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Davidson, Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Hassell, Hawkins, Head, Herron, Hillis,

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Holcomb, Holt, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Long, May, McAfee, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Odom, Purcell, Rhinehart, Robinson (Hamilton), Scruggs, Stafford, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Wix, Wood and Yelton--58.

Representatives present and not voting were: Drew, Ivy and Pruitt--3.

On motion, Amendment No. 1 to Amendment No. 3 was adopted.

Thereupon, on motion of Mr. Hobbs, Amendment No. 3, was withdrawn.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 619 by deleting Section 3 of the printed bill in its entirety and renumbering the subsequent sections accordingly.

Mr. Jared moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes .....	47
Noes .....	47

Representatives voting aye were: Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Crain, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Frensley, Gaia, Hassell, Herron, Hillis, Holt, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Long, May Moore (Shelby), Nance, Odom, Phillips, Pruitt, Purcell, Rhinehart, Shirley, Stafford, Swann, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Williams, Wix and Yelton--47.

Representatives voting no were: Bell, Bewley, Bivens, Coffey, Copeland, Cross, Curlee, Davis (Cocke), Duer, Good, Harrill, Hawkins, Henry, Hobbs, Holcomb, Hurley, Huskey, Kent, Kisber, Lawson, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Napier, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Webb, West, Wheeler, Whitson, Winningham, Wolfe, Wood and Mr. Speaker Murray--47.

Mr. Starnes renewed his motion on adoption of Amendment No. 4.

Thereupon, Amendment No. 4 failed to be adopted by the following

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vote:

Ayes .....	40
Noes .....	51
Present and not voting .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Drew, Good, Harrill, Henry, Hobbs, Holcomb, Hurley, Huskey, Kisber, Miller, Montgomery, Moody, Moore (Lawrence), Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Tankersley, Tanner, Webb, Wheeler, Whitson, Winningham, Wolfe and Wood--40.

Representatives voting no were: Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Frensley, Gaia, Hassell, Hawkins, Herron, Hillis, Holt, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, May, McAfee, Moore (Shelby), Nance, Odom, Phillips, Pruitt, Purcell, Shirley, Stafford, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Wix, Yelton and Mr. Speaker Murray--51.

Representatives present and not voting were: Bragg and Naifeh--2.

Mr. Cross moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 619 by adding the following section immediately preceding the effective date section and renumbering subsequent sections accordingly:

Section \_\_\_\_\_. Notwithstanding any provision of the law to the contrary, the provisions of this act shall not apply to mineral estates in coal.

Mr. Jared moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes .....	52
Noes .....	36
Present and not voting .....	4

Representatives voting aye were: Bragg, Buck, Burnett, Bushing,

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Byrd, Cain, Clark, Coffey, Collier, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Hassell, Hawkins, Head, Herron, Hillis, Holcomb, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Kernell, King, Lawson, Long, McAfee, Montgomery, Odom, Purcell, Rhinehart, Shirley, Stallings, Swann, Tankersley, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Wix, Wood and Yelton--52.

Representatives voting no were: Bell, Bewley, Bivens, Cross, Curlee, Davis (Cocke), Davis (Knox), Drew, Good, Harrill, Henry, Hobbs, Huskey, Kent, Kisber, May, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Peroulas, Phillips, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Starnes, Tanner, Turner (Hamilton), Webb, Wheeler, Whitson, Winningham and Mr. Speaker Murray--36.

Representatives present and not voting were: Jones, U. (Shelby), Moore (Shelby), Pruitt and Stafford--4.

Mr. Moody moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 619 by deleting all of the language following the enacting clause and by substituting instead the following:

Section 1. Notwithstanding any other provision of law to the contrary, within three (3) years after the effective date of this act all owners of mineral rights shall come forward and register their mineral interests with the property tax assessor and the register of deeds in each county where the mineral interest lies. Upon the expiration of the three (3) year period all surface owners may file quiet title suits concerning the unclaimed mineral interests.

Section 2. This act shall take effect on July 1, 1987, the public welfare requiring it.

Mr. Jared moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes .....	61
Noes .....	32
Present and not voting .....	1

Representatives voting aye were: Bivens, Bragg, Buck, Bushing,

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Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davis (Gibson), DeBerry, DePriest, Dixon, Frensley, Gaia, Hassell, Head, Henry, Herron, Hillis, Holcomb, Holt, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, May, McAfee, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Robinson (Hamilton), Shirley, Stallings, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Ussery, Whitson, Williams, Wix, Wolfe, Wood, and Yelton--61.

Representatives voting no were: Bell, Bewley, Cross, Davidson, Davis (Cocke), Davis (Knox), Drew, Duer, Ellis, Good, Harrill, Hawkins, Hobbs, Hurley, Huskey, Kent, King, Montgomery, Moody, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Tanner, Turner, L. (Shelby), Webb, West, Wheeler and Winningham--32.

Representative present and not voting was: Starnes--1.

Thereupon, House Bill No. 619, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	81
Noes . . . . .	16
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Good, Hassell, Hawkins, Head, Herron, Hillis, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Odom, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--81.

Representatives voting no were: Bewley, Bivens, Cross, Curlee, Drew, Harrill, Henry, Hobbs, Napier, Peroulas, Ridgeway, Robinson (Davidson), Scruggs, Severance, Webb and Winningham--16.

Representative present and not voting was: Montgomery--1.

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A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos:

1086--To create information on teenage pregnancy, Children's Services Commission;

1108--To regulate cancellation, fidelity and surety bonds;

1132--To develop certain programs, teenage pregnancy; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

House Bill No. 957--Surety bonds.

On motion, House Bill No. 957 was made to conform with Senate Bill No. 1108.

On motion, Senate Bill No. 1108, on same subject, was substituted for House Bill No. 957.

Mr. West moved that Senate Bill No. 1108 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

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A motion to reconsider was tabled.

**Senate Bill No. 89--To regulate Employee Suggestion Advisory Board.**

Mr. King moved that Senate Bill No. 89 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

A motion to reconsider was tabled.

Ms. Williams moved that House Bill No. 1002 be placed on the for Calendar Wednesday, April 22, 1987, which motion prevailed.

**House Bill No. 577--Practice of electrolysis.**

Mr. Jared moved that House Bill No. 577 be passed on third and final consideration.

Mr. Jared moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 577 by inserting the following new section immediately before the effective date section and numbering the sections accordingly:

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SECTION \_\_\_\_ Tennessee Code Annotated, Section 62-4-109(a), is amended by deleting the word "and" at the end of item (2) and before item (3); by deleting the period (.) at the end of item (3) and substituting instead "; and " and by adding the following new item (4):

(4) Any person who demonstrates and/or applies cosmetics without charge in a retail establishment.

On motion, the amendment was adopted.

Thereupon House Bill No. 577, as amended, passed its third and final consideration by the following vote:

Ayes .....	57
Noes .....	34

Representatives voting aye were: Bell, Buck, Burnett, Bushing, Byrd, Clark, Coffey, Collier, Copeland, Curlee, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Frensley, Gaia, Garrett, Harrill, Hassell, Hillis, Ivy, Jared, Jones, U. (Shelby), Kernell, King, Kisber, Love, May, McAfee, Miller, Napier, Odom, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wolfe, Wood and Mr. Speaker Murray--57.

Representatives voting no were: Bewley, Bivens, Bragg, Cain, Chiles, Crain, Cross, Davidson, Davis (Cocke), Duer, Hawkins, Henry, Herron, Hobbs, Holcomb, Hurley, Huskey, Jones, R. (Shelby), Kent, Lawson, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Whitson and Yelton--34.

A motion to reconsider was tabled.

Ms. Hassell moved that House Bill No. 202 be placed on the Calendar for Thursday, April 30, 1987 which motion prevailed.

Mr. Wheeler moved that House Bill No. 1038 be placed on the Calendar for Thursday, April 23, 1987, which motion prevailed.

**OBJECTIONS -- CONSENT CALENDAR**

Objections were filed to the following bills and resolutions on the Consent Calendar:



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Mr. Long objected to House Bill No. 975.

Under the rules, House Bill No. 975 was placed at the foot of the Calendar for Wednesday, April 22, 1987.

**CONSENT CALENDAR**

House Bill No. 343--Terms, Court of Appeals.

On motion, House Bill No. 343 was made to conform with Senate Bill No. 139.

On motion, Senate Bill No. 139, on same subject, was substituted for House Bill No. 343.

House Bill No. 1007--Hospital Liens.

On motion, House Bill No. 1007 was made to conform with Senate Bill No. 265.

On motion, Senate Bill No. 265, on same subject, was substituted for House Bill No. 1007.

House Bill No. 878--Soybean Promotion.

On motion, House Bill No. 878 was made to conform with Senate Bill No. 989.

On motion, Senate Bill No. 989, on same subject, was substituted for House Bill No. 878.

House Bill No. 978--Offense criminal trespass.

On motion, House Bill No. 978 was made to conform with Senate Bill No. 248.

On motion, Senate Bill No. 248, on same subject, was substituted for House Bill No. 978.

House Bill No. 812--County registers.

On motion, House Bill No. 812 was made to conform with Senate Bill No. 1018.

On motion, Senate Bill No. 1018, on same subject, was substituted for House Bill No. 812.

House Bill No. 26--Qualifying deadlines for elected officials.

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House Bill No. 188--Advisory Commission Intergovernmental Relations.

On motion, House Bill No. 188 was made to conform with Senate Bill No. 363.

On motion, Senate Bill No. 363, on same subject, was substituted for House Bill No. 188.

House Joint Resolution No. 167--Retirees insurance needs.

House Joint Resolution No. 273--Congratulating Weakley County All-State basketball honors.

House Joint Resolution No. 274--Honoring Civil Air Patrol.

House Joint Resolution No. 276--Expressing sorrow James Beecher "Jim" Eldridge.

House Joint Resolution No. 278--Commending Howard Inn in Washington.

House Joint Resolution No. 279--Honoring Miss Melissa Sines.

Senate Joint Resolution No. 162--Honoring James David Shadrick.

House Bill No. 1271--Amend Charter, Portland.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

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Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

A motion to reconsider was tabled.

### FURTHER CONSIDERATION OF SENATE BILL NO. 499

Senate Bill No. 499--Joint custody preference, minor children.

Mr. Scruggs moved that the motion to reconsider Senate Bill No. 499 be lifted from the table, which motion prevailed.

Mr. Scruggs moved that the House reconsider its action in passing Senate Bill No. 499 on third and final consideration, as amended, which motion prevailed.

Mr. Scruggs moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Mr. Scruggs moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 499, passed its third and final consideration by the following vote:

Ayes .....	90
Noes .....	7

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Ellis, Frensley, Gaia, Garrett, Good, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--90.

Representatives voting no were: Bell, Clark, DeBerry, Duer, Harrill, Nance and Williams--7.

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A motion to reconsider was tabled.

**HOUSE JOINT RESOLUTION ON SENATE AMENDMENT**

House Joint Resolution No. 148--Study Child Abuse.

**SENATE AMENDMENT NO. 1**

Amend House Joint Resolution No. 148 by inserting the following paragraph on page three after the words "Tennessee Code Annotated, Section 3-1-106."

BE IT FURTHER RESOLVED, that the Department of Human Services shall not implement the use of the child abuse registry as set out in Tennessee Code Annotated, Sections 37-1-612(e) and 37-1-612(f) until July 1, 1988, in order to give the general assembly sufficient time to act upon the findings and recommendations of this study committee.

Mr. Naifeh moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

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HOUSE BILL ON SENATE AMENDMENT

House Bill No. 444--Health Facilities.

SENATE AMENDMENT NO. 2

Amend House Bill No. 444 in Section 5(g)(1) by adding the following new subsection:

( ) The discontinuation of any obstetrical or maternity service.

SENATE AMENDMENT NO. 5

Amend House Bill No. 444 by adding to subsection h of Section 5 the following new paragraph to be appropriately numbered:

5 ( ) Notwithstanding any provision of the law to the contrary, the requirements for obtaining a certificate of need for redistributing hospital beds between acute and psychiatric beds for psychiatric under 21 programs for which accreditation would be sought as psychiatric beds from the joint commission on accreditation of hospitals shall be the same as the requirements for obtaining a certificate of need for a free standing psychiatric facility.

Mr. Rhinehart moved that the House concur in Senate Amendments Nos. 2 and 5, which motion prevailed by the following vote:

Ayes .....	88
Noes .....	7

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kisber, Lawson, Long, Love, May, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--88.

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Representatives voting no were: Kernell, Miller, Purcell, Scruggs, Severance, Williams and Winningham--7.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 490--Valuation of Agriculture.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 490 by deleting the fourth paragraph of the preamble and substituting instead the following:

WHEREAS, in order to consider all relevant use value factors in determining an appropriate rate at which to capitalize estimated annual income from agricultural, forest and open space property, it is necessary and proper to utilize an average of (1) the market rate derived from the qualified sales of farm and forest land least influenced by non-agricultural or non-forest factors, and (2) the market rate derived by the band of investment method; and

AND FURTHER AMEND by deleting the language of Section 2, Subsection (2)(B), and adding instead the following new Subsection (2)(B):

The capitalization rate shall be determined annually by giving equal weight to (I) and (II), following:

I. The rate derived for each land grade as evidenced by qualified sales during the previous year of land to be used for agricultural or forest purposes in the county or counties found to be most reflective of the market for agricultural or forest land and which are least influenced by non-agricultural or non-forestry factors, including speculation, urbanization or other distorting market influences not reflective of use values for agricultural or forestry purposes; and

II. The rate consisting of the previous year effective tax rate for farm property in the jurisdiction, plus a yield rate derived by the band of investment method using the typical capital structure of debt and equity for purchases of agricultural and forest land in Tennessee during the previous year, with the debt and equity portions to be determined as follows:

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(i) The rate for the debt portion of said capital structure being the average market interest rate for mortgage financing of such purchases during the previous year; and

(ii) The rate for the equity portion of said capital structure being the average return, as calculated by the discounted cash flow method, necessary to attract equity investments in businesses of similar risk during the previous year.

AND FURTHER AMEND Section 2, Subsection (2)(A) by adding the words "or forestry" in the second sentence between the words "farming practices"; and by adding the words "or forestry income" in the third sentence after the words "farm income".

**SENATE AMENDMENT NO. 9**

Amend House Bill No. 490 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_. Tennessee Code Annotated, Section 67-5-1008, is further amended by adding the following new subsection:

( ) For purposes of valuation pursuant to this section, the maximum acreage available for any one (1) owner classified as forest or open space land under the provisions of this part shall be fifteen hundred (1500) acres. The provisions of this subsection shall operate to change the classification of any such land in excess of fifteen hundred (1500) acres which has been so classified under the provisions of this part prior to July 1, 1984. The provisions of this subsection shall take effect on July 1, 1987, the public welfare requiring it and shall not be retroactive.

Mr. Tanner moved that the House concur in Senate Amendments Nos. 1 and 9, which motion prevailed by the following vote:

Ayes .....	88
Noes .....	1
Present and not voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross,

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Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Ellis, Frensey, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Wix, Wood, Yelton and Mr. Speaker Murray--87.

Representative voting no was: Winningham--1.

Representative present and not voting was: Dixon--1.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 511--School Board Budgets.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 511 by deleting SECTIONS 1 and 2 in their entireties and by substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(11), is amended by adding after the first sentence the following:

"No LEA shall submit a budget to the local legislative body that directly or indirectly supplants or proposes to use state funds to supplant any local current operation funds, excluding capital outlay and debt service."

SECTION 2. Tennessee Code Annotated, Section 49-3-314(c), is amended by adding a new subsection to be appropriately numbered as follows:

"( ) No LEA shall use state funds to supplant local current operating funds, excluding capital outlay and debt service."

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**SENATE AMENDMENT NO. 3**

Amend House Bill No. 511 by inserting the word "total" between



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the word "supplant" and the word "local" in line 1 of the amendatory language of Section 2 of Amendment No. 2.

Mr. Starnes moved that the House concur in Senate Amendments Nos. 2 and 3, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DePriest, Dixon, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton and Mr. Speaker Murray--89.

Representatives voting no were: DeBerry, Duer and Jones, R. (Shelby)--3.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 785--Medicaid Program.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 785 by deleting from the amendatory language of Section 2(11) the words "American Association of Nurse Anesthetists" and by substituting instead the following:

**Council of Certification**

Mr. Odom moved that the House non-concur in Senate Amendment No. 2, which motion prevailed.

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**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 1114-- Review Television and Film Production Law.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 1114 by adding the following after the second sentence in Section 4-3-5004 in the amendatory language of Section 1:

One member shall be appointd from each of the film, television and music segments of the industry..

AND FURTHER AMEND by adding a new Section 2 and renumbering subsequent sections appropriately:

Section 2. No member of the commission or the council shall use information gained as such member for personal gain or shall reveal such information to any person except in connection with commission or council activities.

**SENATE AMENDMENT NO. 3**

Amend House Bill No. 1114 by adding a new section thereto as follows:

Section \_\_\_\_ Tennessee Code Annotated, Section 4-3-5004, is amended by adding the following language thereto:

The membership of the commisison shall also reflect the racial make up of the state.

Mr. Naifeh moved that the House concur in Senate Amendments Nos. 2 and 3, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill,

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Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

Mr. Phillips moved that Rules Nos. 49 and 71 be suspended for the purpose of properly placing bills on the Calendar from the Committee on Calendar and Rules for Wednesday and Thursday's Calendar, which motion prevailed.

### **BILLS RE-REFERRED**

On motion of Ms. Turner (Hamilton) House Joint Resolution No. 256 was recalled from the Committee on General Welfare.

On motion of Ms. Turner (Hamilton) House Joint Resolution No. 256 was re-referred to the Committee on Calendar and Rules.

### **MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return House Bill No. 375, as requested.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

### **NOTICE PURSUANT TO RULE NO. 59**

Pursuant to Rule No. 59 sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, April 22, 1987:

House Bill No. 375--West

House Bill No. 73-- Byrd

Mr. Scruggs moved that the rules be suspended for the purpose of considering House Joint Resolution No. 269 out of order, which motion prevailed.

Mr. Scruggs moved that House Joint Resolution No. 269 be recalled from the Committee on Education, which motion prevailed.

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On motion, the rules were suspended for the immediate consideration of the resolution.

House Joint Resolution No. 269--Lady Vols, first game, basketball arena.

Mr. Scruggs moved that House Joint Resolution No. 269 be adopted, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

A motion to reconsider was tabled.

**INTRODUCTION OF RESOLUTIONS**

House Resolution No. 34--Honoring Charles Yochum--By Tanner.

Under the rules, House Resolution No. 34 was referred to the Committee on Calendar and Rules.

House Resolution No. 35--Honoring Housing Opportunities Corporation--By Dixon, Jones, U. (Shelby), Shirley, Turner, C. (Shelby), Byrd, Jones, R. (Shelby), Kent, Cain and DeBerry.

Under the rules, House Resolution No. 35 was referred to the Committee on Calendar and Rules.

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House Joint Resolution No. 280--Honoring Coach Bud Bales--By Severance, Scruggs, Miller, Davis (Knox), Peroulas, May and Drew.

Under the rules, House Joint Resolution No. 280 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 281--Congratulating Coach Dwight Waller--By Naifeh.

Under the rules, House Joint Resolution No. 281 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 282--Support Family Welfare Plan--By Dixon, DeBerry, Jones, U. (Shelby), Shirley, Turner, C. (Shelby), Byrd, Jones, R. (Shelby), Turner, L. (Shelby) and Gain.

The Speaker referred House Joint Resolution No. 282 to the Committee on General Welfare.

House Joint Resolution No. 283--Naming W.H. Fox Memorial Bridge--By Jackson.

The Speaker referred House Joint Resolution No. 283 to the Committee on Transportation.

House Joint Resolution No. 284--Honoring participants Chattanooga Regional Science Fair--By Mr. Speaker Murray.

Under the rules, House Joint Resolution No. 284 was referred to the Committee on Calendar and Rules.

## **SENATE JOINT RESOLUTIONS**

### **(Congratulatory and Memorializing)**

Senate Joint Resolution No. 148--Honoring Coach Jerry Lott.

Under the rules, Senate Joint Resolution No. 148 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 151--Honoring Dr. Albert George Berry.

Under the rules, Senate Joint Resolution No. 151 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 163--Commending Michael Lee Tooley.

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Under the rules, Senate Joint Resolution No. 163 was referred to the Committee on Calendar and Rules.

### **INTRODUCTION OF BILLS**

House Bill No. 1279--Summer County participate group insurance--By Wix and Long.

Passed first consideration.

House Bill No. 1280--Sumner County Education system--By Wix and Long.

Passed first consideration.

House Bill No. 1281--Town of Oliver Springs--By Henry and Burnett.

Passed first consideration.

House Bill No. 1282--White Bluff mayor and aldermen--By Jackson.

Passed first consideration.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bills Nos. 252, 380, 449, 867, 1135, 1229, 1273, 1274, 1258, 1279.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1276--Brentwood privilege tax.

Passed second consideration and held without reference.

House Bill No. 1277--Presidential Preference Primary.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1278--Charter of Oakland.

Passed second consideration and held without reference.

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**SECOND ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1276 and 1278.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1097--Kernell

House Bill No. 619--DePriest

House Joint Resolution No. 272--Bragg and Hobbs

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, April 22, 1987: House

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Resolutions Nos. 34, 35; House Joint Resolutions Nos. 280, 281, 284; House Bills Nos. 1276, 1278; Senate Joint Resolutions Nos. 148, 151 and 163.

PHILLIPS, Chairman.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 22, 1987: House Bills Nos. 256, 107, 1112, 1182, 616, 455, 1225, 396, 754, 200, 848, 588, 756, 609, 960, 1002 and 975.

PHILLIPS, Chairman.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No. 385 --Tennessee Collections Service Act; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No. 495--Licensed residential homes for the aged; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No. 885--Filing fees on certain instruments; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 25--To regulate collection of certain taxes. The Senate



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concurrent in House Amendment No. 1 and nonconcurrent in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 22--To regulate State Board of Accountancy. The Senate concurred in House Amendments Nos. 1, 2, 3, and 5 and nonconcurrent in House Amendment No. 6.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 618, 928, 936 and 1011; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 87, 270, 278, 279, 301, 328, 408, 411, 634, 657, 848, 869, 914 and 1127; also Senate Joint Resolutions Nos. 140, 141, 142, 144 and 145; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 631 and 1097; and House Joint Resolution No. 287; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint

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Resolutions Nos. 232, 233, 235, 236, 237, 238, 239, 240, 241, 242, 244 and 268; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bills Nos. 87, 270, 278, 279, 301, 328, 408, 411, 634, 657, 848, 869, 914 and 1127; Senate Joint Resolutions Nos. 140, 141, 142, 144 and 145.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.: 86, 196, 234, 423, 586, 603, 614, 615, 636, 699, 875, 929, 1121, 1253, 1254, 1255, 1256, 1264, 1265 and 1269; also, House Joint Resolutions Nos. 64, 72, 110, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 229, 230, 231 and 266; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 86, 196, 234, 423, 586, 603, 614, 615, 636, 699, 875, 929, 1121, 1253, 1254, 1255, 1256, 1264, 1265 and 1269; and House Joint Resolutions Nos. 64, 72, 110, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 229, 230, 231 and 266; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

147--Relative to study, system of information signs, certain highways;

173--Relative to thanking Wallace Prescott; adopted for

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concurrence.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 622, 623 and 1272; all substituted for Senate Bills on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos.:

28--To regulate probate and administration, certain estates;

931--To regulate speed limits, certain highways;

1120--To regulate reporting, AIDS; all passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 26, 577, 619 and 1271; and House Joint Resolutions Nos. 167, 269, 273, 274, 276, 278 and 279; and find same correctly engrossed and ready for transmission to the Senate.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 2:00 p.m. Wednesday, April 22, 1987.